33025

ACTS

OF THE

One Hundred and Seventh Legislature

OF THE

STATE OF NEW JERSEY,

AND

THIRTY-NINTH UNDER THE NEW CONSTITUTION.



PATERSON, N. J.:
CARLETON M. HERRICK.
1883.

New Jersey State Libra

The following General Public Laws passed at the One Hundred and Seventh Legislature, are compiled in accordance with the act entitled "An act relative to public printing," approved March 23d, A. D. 1883, which provides "that the laws shall be collated and indexed under the two heads of General Public Acts, Special Public and Private Acts."

The General Public Laws are printed in the front part of the volume.

The Joint Resolutions and Proclamations by the Governor are placed next after the General Public Laws, followed by a Table of Contents and Index.

The Special Public and Private Acts follow in the order of their approval, and, with Table of Contents and General Index of all the laws, &c., complete the same.

HENRY C. KELSEY,
Secretary of State.

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OF THE

One Hundred and Seventh Legislature

OF NEW JERSEY.

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GENERAL PUBLIC LAWS.

GENERAL PUBLIC ACTS

PASSED BY THE

ONE HUNDRED AND SEVENTH LEGISLATURE.

CHAPTER I.

A Further Supplement to an act entitled "An act relative to sales of land under a public statute or by virtue of any judicial proceeding," approved March twenty-seventh, one thousand eight hundred and seventy-four.

WHEREAS, The provisions of the first section of the act recited in the title of this act, and the provisions of the act amendatory thereof, approved April ninth, one thousand eight hundred and seventy-five, require advertisements to be published at least four weeks successively, once a week, next preceding the time appointed for selling the same, in two newspapers, which provisions have not in all cases been known and complied with, whereby titles of certain lands may be deemed defective; therefore, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no sale of lands made by any officer or other person or persons since the approval of the said amendatory act shall be held to be invalid by reason of failure to comply with the provisions of said acts relating to the publishing of advertisements in newspapers; Sale of lands not invalidated by failure of publication of advertisements.

provided, that said sale or sales shall have been advertised the statutory number of times next preceding the time appointed therefor, in at least two newspapers printed and published in the county where the land is situated, whether Proviso.

such advertisements appeared in the week in which the sale was made or not, and provided such sale or sales took place within two weeks after the last appearance of such advertisements, and upon the day and at the hour and place as advertised; *and, provided further*, that all the other provisions of said last mentioned act in relation to the publication of advertisements of sales of land shall have been complied with, and that this act shall not be construed to extend to any sales of land to be made after this act goes into effect.

Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved January 23, 1883.

GEORGE C. LUDLOW,
Governor.
THOMAS O'CONNOR,
Speaker of the House.
JOHN J. GARDNER,
President of the Senate.

CHAPTER II.

An Act to authorize cities in this state to issue and dispose of water bonds or water scrip to renew certain water bonds or water scrip.

Authorized to issue bonds or scrip to renew indebtedness.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where water bonds or water scrip have heretofore been legally issued by any city board or board of water commissioners, and any city in this state is now liable for the payment thereof, or for the payment of money borrowed to pay said bonds, that the municipal board of any such city having the management and control of the finances of said city, may, without the action of any other board, renew such indebtedness or any part thereof by the issuing for that purpose of bonds or water scrip, to be known as water bonds or water scrip; such bonds or water scrip to be issued in the corporate name of such city, signed by the

mayor and city clerk of such city, and signed, attested and countersigned by such other city officials (if any) as the board having the control and management of the finances of such city may direct; and it is hereby made mandatory upon any city official named in such resolution, without the action of any other city board, to forthwith sign and countersign the same as therein directed, which water bonds or water scrip shall be made payable in not less than twenty and not more than forty years, and draw such interest, not exceeding five per centum per annum, and be issued in such sums not less than one hundred dollars each, and in such form as said city board shall by resolution determine; and such water bonds or water scrip may be coupon or registered, or both, and convertible from one form to the other, from time to time, in the discretion of said city board; when the said water bonds or water scrip are coupon bonds or coupon water scrip, they shall have semi-annual coupons for interest attached in such form and attested in such manner as said city board shall determine.

Bonds, when due.

Rate of interest

2. *And be it enacted,* That such water bonds or water scrip shall be sold by said city board at public sale for the best price that can be obtained therefor, but at not less than their par value; the said city board shall use the proceeds of such sale to pay off said water bonds or water scrip now due, and to pay off any money heretofore borrowed, or that may hereafter be borrowed to pay off such water bonds or water scrip or any part of such indebtedness when due; nothing in this act contained shall be so construed as to authorize any increase of the indebtedness of said city.

Sale of bonds.

Proceeds, how applied.

3. *And be it enacted,* That the said city board shall have power to provide for the creation of a sinking fund to pay off the principal of said water bonds or water scrip issued under this act as the same shall fall due, and shall have power to direct that an amount to be named shall be raised each year by taxation for that purpose.

Authorized to create sinking fund.

4. *And be it enacted,* That all acts and parts of acts, public, general, special, local or private, inconsistent herewith, be and the same are hereby repealed, and this act shall be deemed and taken to be a general public act, and take effect immediately.

Repealer.

Approved January 30, 1883.

CHAPTER III.

An Act to extend the time of chartered railroad companies, whose time for completing their railroads shall expire in the year one thousand eight hundred and eighty-three, where work has been performed on said railroads or money expended thereon.

Time for completion extended for one year.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever the time limited for the completion of any railroad, authorized to be constructed within this state under special acts, shall expire in the year one thousand eight hundred and eighty-three, such time shall be, and the same hereby is, extended for the further period of one year; *provided, however*, that money shall have been actually expended in surveys or location of route, or in acquiring rights of way, or in construction of such railroad.

Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved January 30, 1883.

CHAPTER IV.

An Act for the punishment of cruelty to children.

Penalty for cruelty to children.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whoever, having the care, custody or control of any child within the state, shall willfully cause or permit the life of such child to be endangered, or its health to be injured, or who shall willfully cause or permit such child to be placed in such situation that its life may be endangered, or its health injured, or who shall will-

fully, maliciously, or in a cruel and inhuman manner beat, whip, or punish any child so as to endanger its life or injure its health, upon conviction thereof shall be deemed guilty of a misdemeanor, and shall be punished by imprisonment in the county jail for a term not exceeding six months, or by a fine not exceeding one hundred dollars, or by both such fine and imprisonment in the discretion of the court.

Societies may bring suit, &c.

2. *And be it enacted,* That it shall be lawful for any society, incorporated and organized under an act entitled "An act for the incorporation of societies for the prevention of cruelty to children," approved April eighteenth, one thousand eight hundred and seventy-six, to prefer a complaint against and cause to be arrested and prosecuted before any court or magistrate within this state having jurisdiction for the trial of misdemeanors, any person or persons who shall offend against any of the provisions of section one of this act, and may aid in bringing the facts before such court or magistrate in any proceeding taken under this act.

Child to be committed to orphan asylum, &c., in certain cases.

3. *And be it enacted,* That whenever, upon conviction of any person of a criminal assault upon any child in his or her custody, the court or magistrate before whom such conviction is had shall deem it desirable for the welfare of such child that the person so convicted shall be deprived of its custody thereafter, such court or magistrate may commit such child to any orphan asylum, children's home, or other charitable institution for its best care, welfare and protection.

Fines, how disposed of.

4. *And be it enacted,* That all fines, penalties and forfeitures imposed and collected in any case where any society, organized under the provisions of the act mentioned in the first section of this act, shall be complainant—shall inure to such society, in aid of the purpose for which it was incorporated; all other fines, penalties and forfeitures imposed and collected by any court or magistrate, shall be paid to the overseer of the poor of the city or township wherein the conviction shall be had, to be applied by the overseer of the poor for the benefit of the poor of such city or township.

5. *And be it enacted,* That this act shall be deemed to be a public act, and shall take effect immediately.

Approved January 30, 1883.

CHAPTER V.

An Act to authorize cities of the second class to make additional appropriations for police purposes.

Authority to make additional expenditure.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That whenever in any city of the second class the annual appropriation for the police department for the current year shall have been or may be exhausted, it shall be lawful for the board of aldermen or common council of such city, by resolution, to authorize the appropriation and expenditure of such additional sum as shall be necessary to defray the ordinary expenses of the police department for the remainder of said current year; and in case there shall not be sufficient surplus money in the city treasury, not otherwise appropriated, to answer such additional expenditure, it shall be lawful for the authorities of the city to provide therefor by a temporary loan or loans, and the amount of such loan or loans shall be incorporated in the next annual tax levy.

2. *And be it enacted,* That this act shall take effect immediately.

Approved January 30, 1883.

CHAPTER VI.

An Act to authorize the payment of the sum of one thousand dollars to the paymaster of the Sixth Regiment Infantry, Second Brigade, National Guard of the State of New Jersey, for Company B of said regiment, its appropriation for the years one thousand eight hundred and seventy-nine and one thousand eight hundred and eighty-one.

Preamble.

WHEREAS, Company B, Sixth Regiment Infantry, Second Brigade, National Guard of the State of New Jersey, was deprived of its annual appropriation for the years one thousand eight hundred and seventy-nine and one thousand eight hundred and eighty-one, by reason of the muster rolls of said company for said years not showing the standard number of men required by law; *and whereas*, said company was not disbanded, and still continues to be an integral company of said regiment; therefore,

Authorized to pay appropriation.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the comptroller of the state of New Jersey be and he is hereby authorized to draw his warrant on the treasury in favor of the paymaster of the Sixth Regiment Infantry, Second Brigade, National Guard of the State of New Jersey, for the sum of one thousand dollars, for Company B of said regiment, being the amount of appropriation of money to which said company would have been entitled for the years one thousand eight hundred and seventy-nine and one thousand eight hundred and eighty-one, if the muster rolls of said company for said years had shown the standard number of men required by law.

2. *And be it enacted*, That this act shall take effect immediately.

Approved January 30, 1883.

CHAPTER VII.

A Supplement to an act entitled "An act to prevent in certain cases the abatement of suits and reversal of judgments," approved March twenty-seventh, one thousand eight hundred and seventy-four [Revision].

Action against receiver not abated by death.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no action heretofore or hereafter brought in any court of this state against any receiver of any corporation within the same, shall be held, adjudged or decreed to abate or to have abated by reason of the death of such receiver; but upon suggestion of the facts on the record, such suit shall be continued against the new receiver for such corporation appointed by the chancellor, or against such corporation in case no new receiver shall be or shall have been appointed, as if such death had not happened.

2. *And be it enacted*, That this act shall take effect immediately.

Approved January 31, 1883.

CHAPTER VIII.

Supplement to an act entitled "An act in relation to county expenditures," approved April second, one thousand eight hundred and seventy-eight.

Amendment.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section three of the act to which this is a supplement, be and the same is hereby amended so as to read as follows:

3. *And be it enacted*, That in case of the sudden destruction, partial or entire, of any building or buildings of any county, or of any bridge or bridges, culvert or culverts, for the repairing or rebuilding of which any board of freeholders is wholly or jointly with another board responsible, the said board of freeholders may, by the affirmative votes of four-fifths of all its members, order and cause such building or buildings, bridge or bridges, culvert or culverts, to be repaired or rebuilt, and may borrow money for that purpose in anticipation of the next tax levy; and in the said tax levy there shall be incorporated a special appropriation, under the head of "debt and interest, special deficiency," to pay for such temporary loan to meet such emergency; *provided always, however*, that if the aggregate amount of money required to repair or rebuild the building or buildings, bridge or bridges, culvert or culverts suddenly destroyed in any county within any one year shall exceed the sum of twenty-five thousand dollars, the board of freeholders of such county may, by the affirmative votes of four-fifths of all its members, issue bonds to the aggregate amount required to repair or rebuild the building or buildings, bridge or bridges, culvert or culverts so suddenly destroyed, which bonds shall be made payable at such periods of time not exceeding twenty years from the date of their issue, and bear such rate of interest not exceeding six per centum per annum, and be issued in such denominations of not more than one thousand dollars each, and be either coupon or registered bonds, as the said board of chosen freeholders shall by resolution determine.

Proceedings in case of destruction of bridges, &c.

Proviso.

2. *And be it enacted*, That the bonds issued in pursuance of the above granted power may be sold either at public or private sale, for the best price which can be obtained for the same, but not for less than the par value thereof; and all the real estate and property within the county shall be liable for the payment of the principal and interest that may become due upon the bonds issued by authority of this act.

Bonds to be sold at not less than par value, &c.

3. *And be it enacted*, That this act shall take effect immediately.

Approved January 31, 1883.

CHAPTER X.

An Act in relation to ferries.

Rate for transportation of passengers.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this act it shall not be lawful for any person, company or corporation running ferry boats to charge or receive more than five cents for the transportation of one passenger on said ferry boats across any river or stream in this state, or across any river or stream between this state and the adjoining states, where the distance is not less than two nor more than three and a half miles, under the penalty of ten dollars for each offense, to be sued for in any court of competent jurisdiction by the person so aggrieved.

Repealer.

2. *And be it enacted*, That all acts and parts of acts, whether special or general, inconsistent with the provisions of this act, be and the same are hereby repealed, and this act shall take effect immediately.

Approved February 7, 1883.

CHAPTER XI.

An Act for the classification of counties of this state for all purposes of legislation in relation thereto.

How classified.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this act, the classification of the counties of this state shall, for all purposes of legislation in relation thereto, be as follows, viz., counties of the first class, counties of the second class, counties of the third class, counties of the fourth class.

Classes distinguished by population.

2. *And be it enacted*, That "counties of the first class" shall consist of all counties in this state that have within

their territorial limits a population exceeding one hundred and fifty thousand inhabitants; that "counties of the second class" shall consist of counties in this state that have a population within their territorial limits of not less than fifty thousand, nor more than one hundred and fifty thousand inhabitants; and that "counties of the third class" shall consist of counties in this state that have a population within their territorial limits of not less than twenty thousand, nor more than fifty thousand inhabitants; and that "counties of the fourth class" shall consist of all counties in this state not embraced within either the first, second, or third class, as herein distinguished.

What shall be a sufficient classification.

3. *And be it enacted*, That it shall be a sufficient classification of counties to which any law hereafter enacted shall apply, to refer in any such law to counties under the classification herein provided by the classification herein designated, and such law shall be construed to apply to and embrace all counties of the class referred to in the act; and all courts of this state shall take notice of this classification, and construe all legislation founded upon the classification herein designated, as if this act were a part of the law under consideration, when any law passed on the basis of the classification in this act shall in any wise be called in question.

4. *And be it enacted*, That this act shall take effect immediately.

Approved February 7, 1883.

CHAPTER XII.

A Further Supplement to an act entitled "An act concerning sheriffs," approved March fifteenth, anno domini one thousand eight hundred and seventy-six.

Office not forfeited by failure to renew bond, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in case the sheriff, for the time being, of any county in this state, shall have heretofore failed to renew his official bond as provided in section two

of the act to which this is a supplement, such failure shall not work, nor shall the same be held to have worked, *ipso facto*, a forfeiture of his said office; but the title of any such sheriff to his office shall be deemed and taken to be valid and subsisting, and his official acts, whether heretofore performed, or hereafter to be performed, shall be held to be good as to all persons until after an information in the nature of a *quo warranto* shall have been filed against him by the attorney general of this state, and judgment of ouster shall have been duly rendered thereon; *provided, however*, that nothing in this act shall be held to exempt any such sheriff from liability to indictment and punishment, as provided in the tenth section of the act to which this is a supplement, in case he shall continue to execute the office of sheriff after willful neglect or refusal to renew his bond.

Proviso.

Proceedings on failure to renew bond.

2. *And be it enacted*, That in case any sheriff of any county in this state shall have heretofore failed to renew his bond as aforesaid, the attorney general of this state shall have the power, in his discretion, at any time before judgment of ouster, to accept from the said sheriff an official bond, dating from the time of his default, and conforming in all respects to the provisions of section two of the act to which this is a supplement, save as to the time of executing and filing only; and that the acceptance of such bond by the attorney general shall be held and taken to be an absolute waiver and cure of such forfeiture.

Evidence admissible in certain cases only.

3. *And be it enacted*, That it shall not be lawful or competent in any suit or proceeding at law, whether civil or criminal, or in any suit or proceeding in equity, now instituted or hereafter to be instituted in this state, save only in a proceeding in the nature of a *quo warranto* or on an indictment against a sheriff, as mentioned in section one of this supplement, to admit evidence to show that any sheriff of any county of this state has failed to renew his official bond as provided in section two of the act to which this is a supplement, or to permit such an issue or controversy to be raised or made in any way whatsoever.

Duty of courts.

4. *And be it enacted*, That it shall be the duty of all the courts in this state, both civil and criminal, and of original and appellate jurisdiction, to introduce and apply the curative force of this act to all suits and proceedings heretofore instituted or hereafter to be instituted, at any and every

stage thereof; and this act shall be operative and effectual in all cases to cure the defaults hereinbefore mentioned, so far as they affect the public and third persons.

To be favorably construed.

5. *And be it enacted*, That this act shall be most favorably construed to uphold the official acts of sheriffs heretofore done under color of office after failure to renew their bonds and before judgment of ouster in *quo warranto*.

Repealer.

6. *And be it enacted*, That all acts and parts of acts inconsistent herewith, be and the same are hereby repealed, and that this act shall take effect immediately.

Approved February 7, 1883.

CHAPTER XIII.

An Act in relation to city printing in the cities of this state.

What newspapers to do city printing in case any have ceased publication.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases when, by the charter of any city of this state, the city printing is required to be printed in certain newspapers therein particularly designated, and any of the newspapers so designated have ceased, or shall cease, to be published, it shall and may be lawful to have such printing done in such of said newspapers as continue, or shall continue, to be published, and in such other or others, if any, as the common council, city council, board of aldermen, or other legislative body of such city shall, by resolution, appoint for the purpose; *provided*, that such paper or papers, so appointed, shall be authorized to publish the laws of the state of New Jersey.

Proviso.

2. *And be it enacted*, That all acts and parts of acts inconsistent with this act, be and the same are hereby repealed.

Repealer.

3. *And be it enacted*, That this act shall take effect immediately.

Approved February 7, 1883.

CHAPTER XIV.

A Further Supplement to the act entitled "An act to secure to mechanics and others payment for their labor and materials in erecting any building," extending liens to alterations.

Lien extended to alterations.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the lien given by the act to which this is a supplement, shall be and is hereby extended to all buildings, of whatever description, within this state, and to the lot or curtilage whereon the same are erected, for all debts contracted or owing to any person for work done or materials furnished in and for the alteration of any such building; *provided*, that work done or materials furnished under contract in and for such alterations shall be liable to the contractor alone, in the manner provided by the second section of said act.

Proviso.

Approved February 8, 1883.

CHAPTER XVI.

Supplement to "An act to amend an act to partially consolidate the several game laws of this state."

Section amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section two of the act entitled "An act to amend and to partially consolidate the several game laws of this state," approved March twenty-fourth, one thousand eight hundred and eighty-one, be and is hereby amended so as to read as follows:

2. *And be it enacted*, That no person shall kill, take, expose for sale, or have unlawfully in his or her possession, after the same has been killed, any ruffed grouse (commonly called pheasant), or quail (sometimes called Virginia partridge), except only between the last day of October and the last day of December in any year, or any rabbit except only between the last day of October and the last day of December in any year, under a penalty of fifteen dollars for each rabbit, grouse or quail killed, taken, exposed for sale, or had in possession contrary to the provisions of this section.

Penalty for killing, &c., any grouse, quail or rabbit between certain times.

3. *And be it enacted*, That this act shall be a public act and take effect immediately.

Approved February 8, 1883.

CHAPTER XVII.

An Act to authorize the construction of a connecting sewer in cities, in certain cases, and providing for the payment thereof.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any city board, having control of the construction of sewers, shall have power to take and hold any land, or other real estate, necessary for the construction of any sewer to be built for the purpose of connecting a sewer now in existence, with another, where such connection is necessary or proper to drain either of such sewers into the other and the drainage can be more advantageously done in that mode; and in case of any disagreement between such board and the owners of any such lands or real estate which said board may deem necessary for such purpose, as to the amount of compensation to be paid to such owner, or in case such owner be an infant, or married woman, or unknown, or insane, or shall be absent from this state, or from any other cause an agreement cannot be reached with such owner or owners, the circuit court in and for the county wherein such sewer or sewers are located,

Authorized to acquire land to construct sewer.

Proceedings in case of disagreement.

shall, on application of either party, nominate and appoint three disinterested parties to examine such property and estimate the value thereof, or damage sustained thereby, and who shall, after reasonable notice to the parties of the time and place where they will be heard in relation to the matter, proceed without delay to make their report thereon, and deliver the same to the court as soon as finished; and whenever such report shall be confirmed by said court aforesaid, said board shall forthwith pay to such owner, or to such person or persons as the court may direct, the sum mentioned in said report in full compensation for the property so required or for the damages sustained, as the case may be, and thereupon the corporate authorities of such city shall become seized in fee of such property so required, and shall be discharged from all claim by reason of such taking or discharge.

Expense, how provided for.

2. *And be it enacted*, That the expense of acquiring such land and constructing such connecting sewer shall be assessed upon the land and real estate benefited thereby, in proportion to the benefit received, with the provision that if the expenses shall exceed the amount of special benefit, in any case, then such excess of expense over benefit shall be paid by the city and raised by tax.

Authorized to issue bonds.

3. *And be it enacted*, That the board having control of the finances of such city, shall have power, at any time, to borrow any money necessary for the purpose of purchasing such land, or constructing such sewer, and to issue bonds therefor bearing not exceeding five per centum interest, and running not exceeding ten years, with such other provisions and in such form as such board shall determine to be for the best interests of the city.

4. *And be it enacted*, That this act shall take effect immediately.

Approved February 8, 1883.

CHAPTER XVIII.

An Act to secure the performance of contracts for city improvements within the time required by such contract.

Time for completion of improvement to be included in advertisement for proposals.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all proposals to contractors for any improvement in any city in this state, the surveyor shall include in the advertisement for proposals the number of days allowed for the completion of the improvement.

To be included in contract.

2. *And be it enacted*, That such city shall include in the contract for such improvement the number of days allowed to complete said improvement as mentioned in the advertisement for the completion thereof, and shall provide in said contract that said city shall deduct and retain out of the moneys which may be or become due to the contractor, as damages for the non-completion of the improvement within the time mentioned in said proposals, the sum which shall accrue or become due for the inspectors' wages for each and every day the aggregate time of all the inspectors employed on said improvement may exceed the stipulated time for its completion, in addition to any other penalty which said city may determine to exact for such non-completion.

City not authorized to release contractor, &c.

3. *And be it enacted*, That in no case shall the city, or any of its agents, have the power or authority to release in any way the contractor from such contract, but shall in all such cases deduct and retain out of the moneys which may be or become due to the contractor, as damages for the non-completion of the improvement within the time mentioned in the contract, the sum which shall accrue or become due for the inspectors' wages for each and every day the aggregate time of all the inspectors employed on said improvement shall or may exceed the time stipulated in said contract for its completion, whether said time for completion is extended by said city or not.

4. *And be it enacted*, That this act shall take effect immediately.

Approved February 8, 1883.

CHAPTER XIX.

A Supplement to the act entitled "An act for the maintenance of bastard children," approved March twenty-seventh, one thousand eight hundred and seventy-four.

Breach of bond, how prosecuted.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any bond shall be taken, as mentioned in the act to which this is a supplement, to perform any order of filiation, and any breach shall happen in the condition of any such bond, the same may be prosecuted by the counsel or attorney of any city or township in which proceedings shall be taken under said act, and the same proceedings shall be had thereupon as are now provided by the act to which this is a supplement, in the same manner as if said suits were prosecuted by the prosecutor of the pleas, as provided by said act.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 8, 1883.

CHAPTER XX.

A Supplement to an act entitled "An act to incorporate societies for the promotion of learning" [Revision], approved April ninth, one thousand eight hundred and seventy-five.

Three or more members of association may call meeting in certain cases.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever for want of sufficient by-laws for the purpose, or of officers duly authorized, or from the improper neglect or refusal of such officers or

from other legal impediment, a legal meeting of any association of persons in this state for the promotion of learning, which now or hereafter may be, cannot be otherwise called, three or more members of such association may call a meeting thereof, by giving such notice as is required by the act to which this is a supplement, and such meeting so called shall be a legal meeting of the association, and if there be no officers of the association present, whose duty it is to preside at meetings, the members present may elect such officers of the association as is required by law, and it shall be the duty of the secretary of such association to record the proceedings of such meeting in the book of minutes of the association.

2. *And be it enacted*, That this act shall be deemed and taken as a public act and shall take effect immediately.

Approved February 8, 1883.

CHAPTER XXI.

An Act increasing the compensation to be paid to commissioners of appeals in cases of taxation, being an act to amend an act entitled "An act concerning taxes," approved April fourteenth, one thousand eight hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section fifty-two of an act entitled "An act concerning taxes," approved April fourteenth, one thousand eight hundred and forty-six, being also the fifty-first section of the general tax law as published in the revision of the statutes of New Jersey, published under the authority of the legislature, by virtue of an act, approved April fourth, one thousand eight hundred and seventy-one, be amended to read as follows: Section amended.

52. *And be it enacted*, That every commissioner of appeals shall be paid out of the public money in the hands of the collector of such township, the sum of three dollars a day, Compensation of commissioners.

for every day he shall have attended on the hearing and determining of such appeal, whose receipt shall be a sufficient voucher to such collector for so much of the said money as shall be paid by him for that purpose.

Approved February 12, 1883.

CHAPTER XXII.

An Act to authorize the construction of school houses in cities of the first class of this state.

City authorities authorized to purchase land and erect school houses.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the corporate authorities of the cities of the first class of this state, upon request by the board of education, or other body having the charge of the public schools in such city of the first class, shall purchase lands and shall erect school houses thereon, and shall furnish the same, from time to time, as the increase of population in any part of such city of the first class having the least school accommodations may demand; *provided, however*, that the expense incurred in any one instance shall not exceed forty thousand dollars, including the purchase of land; not more than one school house shall be built in each year.

Proviso.

Funds, how raised and provided for.

2. *And be it enacted*, That, to raise the funds for the purposes aforesaid, the corporate authorities of such city of the first class shall have power to raise money by temporary loans for a term not exceeding three years; and to meet such loan they shall include in the next annual tax levy one-third, at least, of the amount of such temporary loan, with interest thereon, and in the second succeeding annual tax levy they shall include at least one-third of such amount, with interest thereon, and in the third succeeding tax levy they shall raise any balance unpaid, with interest; and as fast as such moneys shall come into the treasury of such city of the first class they shall be applied to pay such temporary loan; and such loan shall be so obtained that it can be paid by instalments, with interest payable semi-annually.

3. *And be it enacted*, That, to secure such temporary loan, the corporate authorities may authorize the issue of temporary loan bonds or scrip, which shall bear such interest as may be agreed upon, not exceeding the legal rate, to an amount not exceeding the expenditure to be incurred in any one instance. Bonds or scrip authorized to be issued.

4. *And be it enacted*, That such temporary bonds or scrip may be taken for the sinking fund of any such city of the first class if the authorities having charge of such sinking funds shall so elect, and if such bonds can be so taken, it shall be the duty of such authorities to so take them, and the money raised by taxation for payment of the principal and interest shall then be paid into the sinking fund. Bonds or scrip may be taken for sinking fund.

5. *And be it enacted*, That this act shall take effect immediately.

Approved February 13, 1883.

CHAPTER XXIII.

An Act concerning cities of the third class.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cities of the third class, each ward shall constitute at least one election district, both for state and municipal elections. Each ward to constitute an election district.

2. *And be it enacted*, That the common council or other legislative body of any city affected by this act shall, upon the nomination of the mayor, appoint such election officers for the next election as may be necessary for carrying this act into effect. Appointment of election officers.

3. *And be it enacted*, That this act shall take effect immediately.

Approved February 13, 1883.

CHAPTER XXIV.

An Act to authorize cities to make additional appropriations for purposes of public health.

Additional appropriation, when and how made.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever the regular annual appropriation in any city, made for purposes of public health, shall be found, on account of the prevalence of epidemic or contagious disease or diseases, to be inadequate for the carrying out and enforcement of proper measures to preserve and protect the public health, it shall be lawful for the board of aldermen or common council, or other body charged by law with the appropriation of moneys for city purposes, of such city, to authorize, by resolution, the appropriation and expenditure of such additional sum as shall be necessary for the purposes aforesaid; and in case there shall not be sufficient surplus money in the city treasury, not otherwise appropriated, to answer such additional expenditure, it shall be lawful for the authorities of the city to provide therefor by temporary loan or loans, and the amount of such loan or loans shall be incorporated in the next annual tax levy.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 13, 1883.

CHAPTER XXV.

A Supplement to the act entitled "An act for the limitation of actions" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the fifth section of the act to which this is a supplement, be amended so as to read as follows: Section amended.

5. *And be it enacted*, That any prosecution to be had or commenced upon any bond heretofore given or hereafter to be given by any sheriff and his securities for the faithful performance of the office of sheriff, or by any city, county or township collector and the securities of such collector for the faithful performance of the duties of said office of collector, shall in no wise operate against or in any manner affect the said securities named and bound in said bond, unless such prosecution shall be commenced within nine years after the date of the said bond, and not after; and any prosecution to be had or commenced upon any bond heretofore given or hereafter to be given by any constable and his securities, for the true and faithful performance of all duties enjoined on him as constable, shall in no wise operate against or in any manner affect the said securities named and bound in said bond, unless such prosecution shall be commenced within four years after the date of the said bond, and not after. Prosecution of bond of sheriff or collector not to affect securities, unless commenced within nine years from date of bond. Of constable unless within four years.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 13, 1883.

CHAPTER XXVI.

A Supplement to an act entitled "An act in relation to encumbered cities," approved March seventeenth, one thousand eight hundred and eighty-one.

Bonds applicable for payment of assessments for local improvements.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any bonds issued or to be issued by authority of any city council or other legislative body of any city of this state, by virtue of the provisions of the act to which this is a supplement, shall be applicable for the payment of assessments imposed upon lands for local improvements by the authorities of such city in all cases where by any law of this state the original bonds for which the bonds issued, or to be issued under said act, shall be so applicable.

Face value of bond available to pay assessments.

2. *And be it enacted*, That in making payment of assessments as aforesaid, the face value of any bond issued, or to be issued under said act, shall be available to pay and discharge assessments to an amount equal to the amount of indebtedness of said city for which said bond was issued and taken, and that each dollar of interest due and unpaid upon any such bond shall be available to pay and discharge assessments in such proportion greater than its equivalent as the rate of interest upon the indebtedness for which said bond was taken is greater than the rate of interest upon said bond, if any.

Approved February 14, 1883.

CHAPTER XXVII.

An Act to establish a uniform standard for the measurement of land in the state of New Jersey.

State geologist to procure surveyor's tape, to be standard of measurement.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That the state geologist is hereby directed and required to procure for the state of New Jersey a surveyor's hardened steel tape, fifty feet in length, of United States standard measurement, graduated to feet and hundredths, with proper adjustment for temperature, and with a spring balance attachment to pull not less than six nor more than seven pounds; which said tape shall be the standard of measurement for the surveying of all land in the state of New Jersey.

To be kept in office of state geologist.

2. *And be it enacted,* That said standard shall be carefully preserved in the office of the state geologist, and shall be subject to the use—in the office of the state geologist or under his supervision—of any surveyor of this state for the purpose of testing chains or tapes used by such surveyor.

Expenses, how paid.

3. *And be it enacted,* That the expenses incurred for procuring said standard shall be paid by the state treasurer, upon the presentation of voucher properly endorsed by the state geologist.

Repealer.

4. *And be it enacted,* That all acts, general and special, inconsistent herewith are hereby repealed, and this act shall take effect immediately.

Approved February 14, 1883.

CHAPTER XXVIII.

An Act relative to persons combining and encouraging other persons to combine.

Not unlawful for persons to combine to persuade others to combine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall not be unlawful for any two or more persons to unite, combine or bind themselves by oath, covenant, agreement, alliance or otherwise, to persuade, advise or encourage, by peaceable means, any person or persons to enter into any combination for or against leaving or entering into the employment of any person, persons or corporation.

Repealer.

2. *And be it enacted*, That all acts or parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed.

3. *And be it enacted*, That this act shall take effect immediately.

Approved February 14, 1883.

CHAPTER XXIX.

An Act prescribing the manner of payment of salaries or wages of officers and employes of cities of the first class.

Salaries, mode of payment.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the salaries or wages of the officers and employes of cities of the first class shall be paid by warrants drawn to the order of each of said officers or employes on the city treasurer and signed by the mayor or acting mayor of each of said cities, and in no other way.

2. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed. Repealer.

3. *And be it enacted*, That this act shall take effect immediately.

Approved February, 14, 1883.

CHAPTER XXX.

An Act ratifying the settlement of past due assessments.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all assessments adjusted, settled and paid in the manner provided in the act entitled "An act in relation to past due taxes and assessments," which said act was approved March twenty-third, one thousand eight hundred and eighty-two, which assessments were assessed subsequent to the first day of January, one thousand eight hundred and eighty-one, be and the same are hereby ratified and confirmed, and the land affected thereby forever discharged from the same; nothing herein shall be construed as ratifying any compromise of any tax. Assessments ratified.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 20, 1883.

CHAPTER XXXI.

An Act concerning cities of the third class.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in cities of the third class the term of office of members of the board of education shall Term of office of members of board of education.

be for as many years as there are members of such board of education elected from each ward; and that at each annual municipal election after the next succeeding election, each ward shall elect one member of such board of education.

Shall divide themselves into classes, &c.

2. *And be it enacted*, That at the next succeeding municipal election the members of the board of education shall be elected as heretofore, and at the first meeting of such board of education then elected, the members from each ward shall, by lot, divide themselves into classes, so that the term of office of one member from each ward shall expire in each succeeding year.

3. *And be it enacted*, That this act shall take effect immediately.

Approved February 20, 1883.

CHAPTER XXXII.

An Act concerning cities of the third class.

Term of office of members of council.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in cities of the third class the terms of office of members of the common council or other legislative body shall be for as many years as there are councilmen or members of such other legislative body elected from each ward; and that at each annual municipal election after the next succeeding election, one member of the common council or other legislative body shall be elected from each ward.

Shall divide themselves into classes.

2. *And be it enacted*, That at the next succeeding municipal election the members of the common council or other legislative body shall be elected as heretofore, and at the second meeting of such common council then elected the members from each ward shall, by lot, divide themselves into classes, so that the term of office of one member from each ward shall expire in each succeeding year.

3. *And be it enacted*, That this act shall take effect immediately.

Approved February 20, 1883.

CHAPTER XXXIII.

An Act concerning township officers.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no township committee shall have authority to supervise the expenditure, within the corporate limits of any borough situate within the township, of taxes raised for road purposes, if said borough has control of its streets by its act of incorporation, and has officers lawfully charged with the making and repairing of streets in said borough; and the proportion of taxes for road purposes required by law to be expended within the borough limits shall be paid over to the proper officers, to be expended under the control of the municipal authorities. Township committee not to supervise expenditure of taxes raised for road purposes in any borough.

2. *And be it enacted*, That all acts, general or special, inconsistent herewith, be and the same are hereby repealed, and this act shall take effect immediately. Repealer.

Approved February 20, 1883.

CHAPTER XXXIV.

An Act to authorize townships to employ police.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the inhabitants of any township in this state, at their annual meeting, to vote by ballot to authorize the employment, by the township committee, of one or more police officers for said township, and to fix and determine the amount to be expended for the services of such police officer or officers, whose duty it shall be, upon view and without warrant, to apprehend and arrest all persons committing breaches of the Authorized to employ police and fix compensation.

peace in said township, and in like manner to apprehend and arrest all disorderly persons in said township, and bring them before a justice of the peace in said township, to be dealt with according to law.

Term of office and compensation to be fixed by township committee.

2. *And be it enacted*, That such police officer or officers shall be appointed and discharged or dismissed at such times by and hold their positions for such times and periods only as the township committee, thus authorized by the inhabitants of the township, shall from time to time and in each case see fit and determine, and shall receive such pay and compensation for their services, respectively, as shall be fixed and agreed upon by the said township committee; *provided*, that the compensation to be made to all such officers so to be appointed and employed, shall not in the aggregate exceed the amount fixed and determined by the inhabitants of the township, at the annual meeting, to be expended for the services of its police officer or officers, which amount so to be paid to said officers shall be assessed and raised by taxation, in the same manner as other taxes are assessed and raised for township purposes.

Proviso.

3. *And be it enacted*, That this act shall take effect immediately.

Approved February 20, 1883.

CHAPTER XXXV.

A Supplement to an act entitled "An act to establish a bureau of statistics upon the subject of labor, considered in its relation to the growth and development of the state industries."

Appropriation.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sum of three thousand dollars be and is hereby appropriated for the current expenses of said bureau.

2. *And be it enacted*, That the treasurer of this state is hereby authorized to pay, from any money not otherwise appropriated, the sum provided for in the first section of this act. Authorized to pay appropriation.

3. *And be it enacted*, That this act shall take effect immediately.

Approved February 20, 1883.

CHAPTER XXXVI.

An Act to provide for the further relief of the poor in cities of the first class.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where the appropriation now made for the aid and relief of the poor in cities of the first class has been already expended, or is or may be inadequate or insufficient for the necessary relief of the suffering and destitute poor, it shall be lawful for the board of finance of any such city, or, in the absence of such board, then the board of aldermen or common council of any such city, to increase said appropriation at any time during the fiscal year for which the same was made, in such amount, not exceeding five thousand dollars, as said board may deem necessary for the purpose of such aid and relief; and it shall be the duty of such board thus making appropriation to adopt and enforce such measures and regulations respecting the disbursing of such appropriation or otherwise relieving the poor in amount thereof, as in their judgment will seem a prudent, wise and economical expenditure of such appropriation and afford the desired aid to the poor. Additional appropriation, when and how made.

2. *And be it enacted*, That said board is hereby authorized to borrow the amount of money which such board may, by this act, appropriate for the purpose of such appropriation, in anticipation of taxes next thereafter to be levied, and to issue proper evidences of indebtedness therefor, to be signed by the mayor, sealed with the city seal and attested Appropriation, how provided for.

by the city clerk; and the said board shall provide for the repayment of the said borrowed money in the tax levy to be made next thereafter, unless the same be previously paid; and it is hereby made the duty of said mayor to sign, and the said clerk to attest, and seal with the corporate seal, such evidence of indebtedness, the issue of which may be ordered under this act as herein provided.

3. *And be it enacted*, That this act shall take effect immediately.

Approved February 20, 1883.

CHAPTER XXXVII.

A Supplement to the act entitled "An act for the relief of creditors against absconding and absent debtors" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

When appearance entered, publication of notice not necessary.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever an appearance shall have been or shall be entered by the defendant or defendants, under any of the provisions of the act to which this is a supplement, it shall not be necessary to publish or set up the notice prescribed by the forty-second and forty-third sections of said act; and if, at the time of the entry of such appearance, publication of such notice shall have been commenced, the same may be discontinued.

Applicable to actions now pending.

2. *And be it enacted*, That this act shall take effect immediately, and shall apply to actions and proceedings now pending under said act.

Approved February 20, 1883.

CHAPTER XXXVIII.

An Act in relation to the powers of county public road boards.

Road boards authorized to keep public roads or avenues in repair.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That wherever any county public road board in any county of this state has, or shall have, macadamized or paved, according to the Telford process, any public roads or avenues in such county, by virtue of authority granted by law for that purpose, it is hereby authorized and empowered to maintain and keep in repair, at the expense of the county, the whole and every part of any pavement so laid by it according to said process.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 21, 1883.

CHAPTER XXXIX.

A Supplement to an act entitled "An act concerning roads" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

Disputes to be settled by township committee.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That on and after the passage of this act all disputes and differences between overseers of roads in the various townships of this state and the owners of lands bordering on said roads, as to the direction and diversion of surface-water and water-courses, or the removal of dirt, shall be settled by the township committee, and their decision and

direction in the matter shall be final, and shall be carried out by said overseers.

Repealer.

2. *And be it enacted*, That all acts or parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed.

Approved February 21, 1883.

CHAPTER XL.

An Act amending "An act to incorporate the chosen freeholders in the respective counties of this state" [Revision], approved April sixteenth, one thousand eight hundred and forty-six.

Section amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the tenth section of the act of which this is amendatory, be and the same is hereby amended to read as follows:

Clerk of board to call special meetings on order of director or three members.

10. *And be it enacted*, That it shall be the duty of the clerk of the board, on the written or printed order of the director, or of any three members of the board, specifying the business, object and purpose thereof, and the place where the same shall be held, to convene special meetings of said board, by writing under his hand, directed to the respective members thereof, and left at their respective places of abode, or mailed to the post offices nearest thereto, respectively, at least five days before the day of meeting so specified, and stating in such notices the business, object and purpose thereof, and the place where the same shall be held; if any such clerk shall, on such order as aforesaid, refuse or neglect to call or convene special meetings of the board, he shall forfeit one hundred dollars, to be recovered, with costs, in an action of debt, in any court of competent jurisdiction, in the name and for the use of the board.

Approved February 23, 1883.

CHAPTER XLI.

An Act to repeal "An act to regulate and prevent extravagance in the use of school books in cities."

WHEREAS, An act to regulate and prevent extravagance in the use of school books in cities, approved April fifth, one thousand eight hundred and seventy-eight, is in direct violation of the constitution of the state of New Jersey, in that the said act has a special application, there being but one school board in the state under the appellation "Board of Directors of Education"; that the said act did apply to this body alone, and to no other school board, hence it is upon the statutes a manifest violation of the state constitution, which expressly prohibits special legislation; therefore, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that certain act entitled "An act to regulate and prevent extravagance in the use of school books in cities," approved April fifth, one thousand eight hundred and seventy-eight, be and the same is hereby repealed. Act repealed.

2. *And be it enacted*, That all acts or parts of acts inconsistent herewith, be and hereby are repealed, and that this act shall take effect immediately. Repealer.

Approved February 23, 1883.

CHAPTER XLII.

An Act respecting the repairing and relaying of plank, stone and other walks in incorporated towns and boroughs of this state.

Authorities to provide by ordinance for repairing walks.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any legislative body of any incorporated town or borough of this state, where plank, stone or other walks are now laid, or may hereafter be laid, to provide by ordinance for the repairing or relaying of the same.

Street commissioner to repair walk where owner fails to do so.

2. *And be it enacted*, That it shall be lawful to provide in such ordinance for the repairing or relaying of any such plank, stone or other walk by the street commissioner of any such incorporated town or borough, where the owner or owners of the land in front of the same fail to repair or relay the same within twenty days after notice served on him or them, or their agent or agents, of such needed repairing or relaying by the said street commissioner.

Cost to be raised by tax.

3. *And be it enacted*, That the cost and expense paid and incurred by said street commissioner for repairing or relaying such plank, stone or other walks as aforesaid, shall be certified by said street commissioner to the proper officer or officers, or board of revision of taxes, whose duty it is to assess and levy the tax of any such incorporated town or borough, and the same shall be added to the taxes on the lot or lots or parcels of land in front of the plank, stone or other walks so repaired or relaid, and shall be a part of the same as a first and paramount lien upon said land and premises.

4. *And be it enacted*, That this act shall take effect immediately.

Approved February 23, 1883.

CHAPTER XLIII.

An Act to regulate the sale of poisons.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be unlawful for any person to sell, either at wholesale or retail, any of the drugs usually denominated poisons, without distinctly labeling each and every box or package with the name of the articles and the word "poison," together with the name and place of business of the seller. Unlawful to sell poisons without labeling each box or package.

2. *And be it enacted*, That any person offending against the provisions of this act shall, upon conviction, be punished by a fine not exceeding fifty dollars, or imprisonment not exceeding three months, either or both, at the discretion of the court. Penalty for violating provisions of act.

Approved February 23, 1883.

CHAPTER XLIV.

An Act authorizing the establishment of hospitals in the cities of the state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the legislative or governing body of any city in this state, whenever in its judgment the public needs require it, to establish and maintain therein a hospital which shall be devoted exclusively to the treatment and relief of the indigent sick and disabled of said city; all property acquired under the provisions of this act shall belong to and be vested in the municipality wherein such hospital is established; and the City authorities authorized to establish hospital.

said municipality, by its corporate name, shall and may sue and be sued, answer and be answered unto, in all courts and elsewhere, in all manner of actions, suits, complaints and demands whatsoever, growing out of the creation and maintenance of the said institution.

To be managed by board of fifteen directors, to consist of.

2. *And be it enacted*, That the said hospital, when established as aforesaid, shall be managed and controlled by a board of directors, consisting of fifteen persons, of which board the mayor of said city, the president of its legislative department, and the chairman of its finance committee or its board of finance (where such board exists), shall be *ex officio* members; the remaining twelve persons who shall constitute, with the officers already named, the first board of directors, shall be chosen by the mayor of the said city wherein said hospital is established; they shall be residents and electors of said city; and of said board and all boards subsequently chosen, at least three shall be members of the medical profession, who shall also be members of the medical staff of said hospital.

Board to be divided into classes.

3. *And be it enacted*, That within ten days after the selection of a board of directors as aforesaid, the persons so selected shall meet, and, by lot or otherwise, divide themselves into three classes of four persons each, each class to serve respectively one, two and three years; but nothing herein contained shall prevent the re-election, as hereinafter provided, of any member or members of said classes whose term or terms may so expire.

Annual election to be held.

4. *And be it enacted*, That within one year after the creation of said board, and annually thereafter, on such day as the board may by rule prescribe, an election shall be held by ballot by the said board, of three persons to serve as directors in place of the class whose term of service shall expire that year, and the persons so elected shall hold their office for three years; and in case of the death, resignation, or removal of any director, the vacancy occasioned thereby may be filled by a majority of the board of directors for the unexpired term of the person so dying, resigning or removing.

Term of office.

Vacancy, how filled.

Authorized to make by-laws, &c.

5. *And be it enacted*, That said board of directors shall have power and authority to make and establish, from time to time, such by-laws and regulations as they may deem necessary or proper for the efficient management of said

hospital and the conduct of its affairs; *provided, however,* that no regulations of said directors shall allow of any preference being shown in the admission of patients, or in granting relief to the sick or distressed, on account of difference in religious faith, or color, or the birthplace or parentage of the applicants for treatment. Proviso.

6. *And be it enacted*, That a majority of the said board shall constitute a quorum for the transaction of all business relating to the said hospital; and the said board shall annually choose from its members a president, vice president, and secretary, and shall have power to appoint such physicians and surgeons, superintendents and matrons, assistants and servants, as the demands of the said hospital may require. Majority shall constitute a quorum. Officers, how appointed.

7. *And be it enacted*, That there shall be raised in each annual tax levy of any city wherein said hospital is established, an amount not exceeding fifteen thousand dollars, which shall be used only for the support and maintenance of such hospital. To be maintained by taxation.

8. *And be it enacted*, That this act shall go into effect immediately.

Approved February 23, 1883.

CHAPTER XLV.

An Act to enable associations of Baptist churches in this state to change their corporate names.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any association of Baptist churches, incorporated under the laws of this state, shall desire to change its corporate name, it shall and may be lawful for said association, by a majority vote of its members, assembled at any regular meeting, to change the corporate name of said association, specifying by such vote what the new corporate name of said association shall be, and a certificate of such vote, stating the old and the new name of said association, over the hand of the presiding officer of said association, and attested correct by the clerk Authorized to change corporate name.

Certificate to be filed in office of secretary of state.

thereof, shall be filed in the office of the secretary of state; and thereafter the said association shall be known by such new name so adopted, and shall by such new name, have, hold and retain all its property, and shall possess and enjoy the same rights and powers and be subject to the same liabilities as it would have enjoyed and been subject to had said name not been changed.

2. *And be it enacted*, That this act shall be deemed and taken to be a public act, and shall take effect immediately.

Approved February 23, 1883.

CHAPTER XLVI.

Supplement to an act entitled "An act concerning savings banks," approved April twenty-first, one thousand eight hundred and seventy-six.

Section amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section nineteen of the act entitled "An act concerning savings banks," approved April twenty-first, one thousand eight hundred and seventy-six, [Revision, page one thousand and sixty-one,] be and the same is hereby amended to read as follows:

When office of manager of savings bank shall become vacant.

19. *And be it enacted*, That whenever a manager of any savings bank shall hereafter borrow, directly or indirectly, any of the funds of the savings bank of which he is a manager, or upon his becoming a surety or guarantor for any money borrowed of, or loan made by, such savings bank, or upon his failure to attend the regular meetings of the board, or to perform any of the duties devolved upon him as such manager, for six successive months, without having been previously excused by the board for such failure, the office of such manager shall thereupon immediately become vacant; but the manager vacating his office by failure to attend meetings or to discharge his duties, may, in the discretion of the board, be eligible to a re-election.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 23, 1883.

CHAPTER XLVIII.

A Further Supplement to the act entitled "An act for the better enforcement in Maurice river cove and Delaware bay, of the act entitled 'An act for the preservation of clams and oyster,'" approved April fourteenth, eighteen hundred and forty-six, and of the supplements thereto.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the natural oyster beds in the creeks emptying into the Delaware bay south of Maurice river, shall not be occupied or used for planting oysters, nor be dredged upon, nor shall oysters be taken or sold from any of the natural beds in any of the said creeks for the purpose of planting; nor shall oysters be taken from any of the said creeks for any purpose whatever, unless said oysters shall be of such a size that a bushel will not contain over four hundred oysters; nor shall any person or persons, under any pretext whatever, take, remove, or carry away from said creeks, any old shells or small oysters, other than such as cannot be removed without injury to the oysters; but said shells and small oysters shall be thrown back upon the natural beds in said creeks; but all citizens of this state shall have free access to them to catch oysters for their own family consumption; and any person or persons offending against any of the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall, for any and every such offense, be punished by a fine of not exceeding one hundred dollars, or by imprisonment for any term not exceeding one year, or both, at the discretion of the court; *provided*, that nothing in this act contained shall be construed as in any wise affecting the provisions of any law heretofore enacted for the protection of clams and oysters.

Natural oyster beds not to be used for planting oysters.

Oysters not to be taken unless a certain size.

Penalty for violating act.

Proviso.

2. *And be it enacted*, That any person or persons who shall hereafter plant oysters upon any of the natural oyster beds in said creeks, shall be deemed trespassers, and such

Who shall be deemed trespassers, &c.

planted oysters shall be forfeited to the public, and all citizens of this state shall have the right and privilege of going upon said natural beds and taking said planted oysters and converting the same to their own use.

3. *And be it enacted*, That this act shall be deemed a public act and take effect immediately.

Approved March 2, 1883.

CHAPTER XLIX.

Supplement to "An act respecting taxes."

Section amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of "An act respecting taxes," which was approved February twenty-sixth, one thousand eight hundred and seventy-nine, be so amended as to read as follows, to wit:

Taxes on property entailed or held in trust, to be paid out of income or by person having beneficial interest.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the taxes assessed on entailed property, or property held in trust, or for life, shall be paid out of income from such property, or by the person or persons having the present beneficial interest thereon; and the person or persons whose duty it may be to pay such income, may pay said taxes, and the amount thus paid may be deducted from the income on presenting to the party receiving the income the collector's receipt for the said taxes; but in case the taxes so assessed shall be on real estate, and the person or persons holding said real estate in trust, or having a beneficial interest therein, shall fail to pay the taxes, the taxes assessed or laid thereon shall be a lien on said real estate.

Approved March 2, 1883.

CHAPTER L.

A Further Supplement to an act entitled "An act relative to sales of lands under a public statute or by virtue of any judicial proceeding" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

Sale of land not invalidated by failure to publish advertisement.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no sale of land heretofore made shall be invalidated by reason of the omission to publish the advertisement of such sale in two newspapers printed and published in the county in which such lands are situate, but that any purchaser of lands at such sale, who shall have paid the price therefor, or complied with the conditions of such sale, and received a deed for the lands thus sold, shall have as good and complete a title thereto as if the advertisement of such sale had in all particulars conformed to the provisions of the act to which this is a supplement; *provided*, that the advertisement of such sale shall have been duly published in one newspaper printed and published at the county seat of said county; *and provided, further*, that nothing in this act shall be held to affect any litigation now pending.

Proviso.

Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 2, 1883.

CHAPTER LI.

An Act for the better enforcement in Delaware bay and Maurice river cove of an act entitled "An act for the preservation of clams and oysters," approved April fourteenth, one thousand eight hundred and forty-six, and the supplements thereto.

Unlawful for non-residents to plant or grow oysters, except in certain locality.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be unlawful for any person or persons not residents of this state, and who shall not have been residents for six months next preceding, to plant seed or grow oysters in the waters of Delaware bay or Maurice river cove, except on that part of Delaware bay bounding on the main shore of Cape May county, and that falls bare at low tide; and any oysters, oyster shells, brush or other materials for seeding or growing oysters, so planted other than upon the main shore as aforesaid, shall become public property, and may be caught or taken up by any citizen of this state; and any person or persons violating the provisions of this act shall be deemed guilty of a misdemeanor, and on conviction thereof shall be subject to a fine not exceeding five hundred dollars, or imprisonment not exceeding one year, or both fine and imprisonment, at the discretion of the court.

Penalty.

2. *And be it enacted*, That this act shall be deemed a public act and take effect immediately.

Approved March 2, 1883.

CHAPTER LII.

An Act to amend an act entitled "A further supplement to an act entitled 'An act declaring when the death of persons absenting themselves shall be presumed,' passed March seventh, one thousand seven hundred and ninety-seven," approved April fourth, one thousand eight hundred and seventy-three.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the first section of the act to which this is amendatory shall be and the same is hereby amended so that said section shall read as follows: Section amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any personal property or any interest therein has been or shall be given or bequeathed, in and by any last will and testament, either to or for the use of any person or persons for life, or for a term of years, or for any other limited period, or in remainder after the death of any other person or persons who shall have remained beyond the sea, or have been absent from or concealed in this state for seven years after the death of the testator or testatrix, it shall be lawful for the chancellor, in any proceeding to be had in the court of chancery upon the petition of any one interested in the matter, and after due proof of such absence or concealment, to order, adjudge and decree that the executor or executors of said will and testament, or the administrator or administrators *cum testamento annexo*, or otherwise, or the trustee or trustees having the charge or control of said personal property, shall pay and deliver such property or such interest therein, with any accumulations thereof, unto or for the use of the said person or persons so entitled to receive the same after the death of such other person or persons so absent or concealed, upon his, her or their giving to said executor or executors, administrator or administrators, trustee or trustees, a refunding bond or bonds, without any sureties whatever, but otherwise Personal property, &c., of person absent seven years to be paid to legal representatives. Refunding bond to be given.

in the form or to the effect mentioned or prescribed in and by the seventeenth section of the act entitled "An act concerning executors and the administration and distribution of intestates' estates," approved April sixteenth, one thousand eight hundred and forty-six; and such bond or bonds shall be a full and complete protection to said executor or executors, administrator or administrators, trustee or trustees, in case said person or persons so absent or concealed, or his, her or their legal representatives, shall at any time afterwards appear and claim said property or interest therein, and said accumulations or any part thereof.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 2, 1883.

CHAPTER LIII.

An Act relating to the powers and duties of law or president judges of the courts of common pleas.

Law judge may preside during absence, sickness, &c., in courts of any county.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the law or president judge of the inferior court of common pleas in and for any county of this state, may, at the request of the law or president judge of the inferior court of common pleas in and for any other county of this state, preside during the absence or sickness or other inability of the judge making the request aforesaid, in the courts or in any of them wherein the judge making such request was specially appointed to preside.

May preside during absence, &c., of justice of supreme court.

2. *And be it enacted*, That the law or president judge of the inferior court of common pleas in and for any county of this state, may preside in the inferior court of common pleas, orphans' court and court of general quarter sessions of the peace in and for any other county of this state not having a law or president judge specially appointed therefor, during the absence, sickness or other inability of the justice of the supreme court assigned to the judicial district in which such

county not having a law or president judge specially appointed therefor is situate, if he shall have been thereto requested by the justice aforesaid.

Request to be in writing.

3. *And be it enacted*, That the requests mentioned in the first and second sections of this act shall be in writing; and it shall be the duty of the law or president judge to whom such request as aforesaid shall have been made, before presiding in the courts of any county in this state other than that for which he was specially appointed, to file the request aforesaid in the office of the clerk of the county in the courts of which he shall have been so as aforesaid requested to preside.

To be filed in office of county clerk.

Proceedings valid.

4. *And be it enacted*, That when the law or president judge of the inferior court of common pleas in and for any county of this state, shall so preside and sit for the law or president judge of the inferior court of common pleas in and for any other county of this state, or for a justice of the supreme court, all proceedings and acts had and done before him and in the courts in which he shall so preside by request, shall be of the same validity, force and effect as though the judge or justice who made the request aforesaid were himself present and presiding.

5. *And be it enacted*, That this act shall take effect immediately.

Approved March 2, 1883.

CHAPTER LIV.

A Supplement to an act entitled "An act to incorporate benevolent and charitable associations" [Revision], approved April ninth, one thousand eight hundred and seventy-five.

No limit as to number of persons who may hereafter associate.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this act there shall be no limit as to the number of persons that may hereafter associate themselves together under the

New Jersey State Library

provisions of the act to which this act is a supplement, and that associations heretofore formed under the provisions of the act to which this is a supplement, may increase their membership in accordance herewith.

orized to contract to pay death benefits, &c.

2. *And be it enacted*, That it shall be lawful for associations incorporated under this act to contract with their members to pay death benefits according to the rules or by-laws adopted by such association, and to agree to pay the same to the husband, wife, father, mother, brother, sister or legal representative of such member, after his or her death, which contract the beneficiary therein named shall have full legal power to enforce in proceedings at law or equity.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 2, 1883.

CHAPTER LV.

Supplement to the act entitled "An act for the incorporation of fire companies," approved April twenty-first, one thousand eight hundred and seventy-six.

Powers and privileges of corporation.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That every corporation formed under the act to which this is a supplement, shall have power to hold, purchase and convey such real and personal estate as the purposes of the corporation shall require, to make and use a common seal, and be entitled to all the rights, powers and privileges, benefits, advantages and immunities now conferred upon corporations by the act entitled "An act concerning corporations" [Revision], approved April seventh, one thousand eight hundred and seventy-five.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 2, 1883.

CHAPTER LVI.

An Act to authorize cities of the second class to fund their indebtedness.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the common council or other body having control of the finances of any city of the second class in this state having a lawful indebtedness whose payment is unprovided for, and which the available funds of said city are insufficient to pay, may issue bonds to the creditors to whom said indebtedness is owing, in lieu of said indebtedness, said bonds to be issued in any manner provided by the charter of said city for the issuing of other bonds, to be made payable in five years from their date, to bear not more than five per centum interest, and to be exchanged for not less than par value. May issue bonds to pay indebtedness. Bonds, when due. Rate of interest.

2. *And be it enacted*, That from and after the passage of this act it shall not be lawful to incur any further temporary or floating indebtedness, unless the payment of the same shall have been already provided for by the taxpayers. Unlawful to incur further indebtedness.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 2, 1883.

CHAPTER LVII.

An Act to limit the age and employment hours of labor of children, minors and women, and to appoint an inspector for the enforcement of the same.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That after the fourth day of July, one thousand eight hundred and eighty-three, no boy under the age of twelve years, nor any girl under fourteen years Boy or girl under certain age not to be employed in factory.

of age, shall be employed in any factory, workshop, mine, or establishment where the manufacture of any goods whatever is carried on.

Child between certain age to attend school for one year preceding employment.

2. *And be it enacted*, That on and after the first day of July, one thousand eight hundred and eighty-four, no child between the ages of twelve and fifteen years shall be employed in any factory, workshop, mine, or establishment where the manufacture of any kinds of goods whatever is carried on, unless such child shall have attended, within twelve months immediately preceding such employment, some public day or night school, or some well recognized private school; such attendance to be for five days or evenings every week during a period of at least twelve consecutive weeks, which may be divided into two terms of six consecutive weeks each, so far as the arrangement of school terms will permit, and unless such child, or his parents or guardian shall have presented to the manufacturer, merchant, or other employer seeking to employ such child, a certificate giving the name of his parents or guardian, the name and number of the schools attended, and the number of weeks in attendance, such certificate to be signed by the

Proviso.

teacher or teachers of such child; *provided*, that in case the age of the child be not known, such teacher shall certify that the age given is the true age, to the best of his or her knowledge and belief;

Proviso.

provided, that in case of orphan children, where necessity may seem to require, the guardian or others having charge of the same may, upon application to the inspector provided for in this act, receive from him a permit for the employment of such child or children, under such regulations as the said inspector may prescribe.

Child under fourteen years not to be employed longer than ten hours a day.

3. *And be it enacted*, That no child or children under the age of fourteen years shall be employed in any factory, workshop, mill, or establishment where the manufacture of any kind of goods is carried on, for a longer period than an average of ten hours in a day, or sixty hours in a week.

Penalty for violation of act.

4. *And be it enacted*, That every manufacturer, merchant or other employer employing any person contrary to the provisions of this act, or who shall be guilty of any violation hereof, shall be guilty of a misdemeanor, and upon conviction be fined for each offense in a sum of not less than fifty nor more than one hundred dollars, and in default of payment of the same, shall be imprisoned in the county jail

for not less than thirty nor more than ninety days, and that every head of a family, parent or guardian, who knowingly permits the employment of such children shall be likewise subject to a fine of not more than twenty-five nor less than ten dollars for every child so employed, and for each offense, and in default of such payment shall be imprisoned in the county jail for a period of not less than ten days nor more than twenty days; a certificate of the age of the minor made by him or her, and by his or her parent or guardian at the time of employment, shall be conclusive evidence of the age of such minor upon any trial for the violation of this act; *provided*, that the provisions in this act in relation to the hours of employment shall not apply to or affect any person engaged in preserving perishable goods in fruit-canning establishments. Proviso.

5. *And be it enacted*, That the governor shall, immediately after the passage of this bill, appoint, with the advice and consent of the senate, some suitable person, who shall be a resident and citizen of this state, as inspector, at a salary of twelve hundred dollars per year, to be paid monthly, whose term of office shall be for three years; the said inspector shall be empowered to visit and inspect, at all reasonable hours and as often as practicable, the factories, workshops, mines and other establishments in the state where the manufacture or sale of any kind of goods is carried on, and to report to the governor of this state on or before the thirty-first day of October in each year; it shall also be the duty of said inspector to enforce the provisions of this act and prosecute all violations of the same in any recorders' courts of cities, and justices of the peace or other courts of competent jurisdiction in the state. Inspector to be appointed. Salary and term of office. Duties.

6. *And be it enacted*, That all necessary expenses incurred by said inspector in the discharge of his duty shall be paid from the funds of the state, upon the presentation of proper vouchers of the same; *provided*, that not more than five hundred dollars shall be expended by him in any one year. Expenses, how paid. Proviso.

7. *And be it enacted*, That all fines collected under this act shall enure to the benefit of the school fund of the district where the offense has been committed. Fines, how disposed of.

8. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed, and that this act shall take effect immediately. Repealer.

Approved March 5, 1883.

CHAPTER LVIII.

A Supplement to an act entitled "An act concerning corporations," approved April seventh, one thousand eight hundred and seventy-five.

State fees on filing certificate of incorporation.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That upon filing with the secretary of state of this state, any certificate of incorporation or organization of any company incorporated under the provisions of the act to which this act is a supplement, there shall be paid by the corporators named in such certificate of incorporation or organization, to the secretary of this state, for the use of the state, the sum of twenty-five dollars for all corporations having an authorized capital not exceeding one hundred thousand dollars, and the sum of one-fifth of one dollar per thousand upon the largest amount of capital authorized by its certificate of incorporation or organization by any corporation incorporated under the provisions of the act to which this act is a supplement, having an authorized capital exceeding one hundred thousand dollars, shall be paid by the corporators of any such incorporation, to the secretary of this state, for the use of the state.

On filing amended certificate or certificate of consolidation.

2. *And be it enacted*, That upon the filing of an amended certificate of incorporation or organization, or certificate consolidating companies into one corporation incorporated under the provisions of the act to which this act is a supplement, there shall be paid to the secretary of this state, for the use of the state, the sum of twenty dollars.

On filing certificate of increase of capital stock.

3. *And be it enacted*, That upon the filing of a certificate increasing the capital stock of any incorporation incorporated under the provisions of the act to which this act is a supplement, there shall be paid the sum of twenty dollars; *provided*,

Proviso.

such increased capital stock shall not exceed one hundred thousand dollars, and in case the increased capital stock shall exceed one hundred thousand dollars, then the sum of one-fifth of one dollar per thousand on such excess shall be paid to the secretary of state of this state, for the use of the state.

4. *And be it enacted*, That it shall not be lawful for the secretary of state to file in his office any certificate of incorporation or organization, made in pursuance of the act to which this act is a supplement, until the requirements of this act are complied with. When certificate may be filed.

5. *And be it enacted*, That this act shall take effect immediately.

Approved March 5, 1883.

CHAPTER LIX.

An Act in relation to the Stevens battery, and appropriating the proceeds of the sale thereof.

WHEREAS, It appears by the opinion of the supreme court of the United States, in a suit wherein Anna A. Clarkson and others are plaintiffs in error, and Martha B. Stevens and others are defendants in error, that "Edwin A. Stevens died August seventh, one thousand eight hundred and sixty-eight, and by his will, conceiving himself to be the owner of the unfinished vessel of which he had been in possession since the death of his brother, and claiming as his residuary legatee, he directed his executors to complete it on his general plans, at a cost not exceeding one million dollars, and then to offer it to the state of New Jersey as a present; the executors, after having expended nine hundred and nineteen thousand nine hundred and fifteen dollars and forty-nine cents upon the vessel, found that they could not finish it for the amount of money to which they were limited, and discontinued the work; in the meantime the state of New Jersey had accepted the bequest, and the consent of congress thereto was given;" *and whereas*, the decree of the court of chancery was affirmed by the supreme court of the United States, and the mandates issued February seventh, one thousand eight hundred and eighty-three, to the court of chancery of the state of New Jersey, in order that execution and proceedings may be had in the said cause in conformity to the judgment and decree of said supreme court; *and whereas*, Preamble.

pending said proceedings, an order was made by the chancellor of the state of New Jersey, April twenty-ninth, one thousand eight hundred and eighty, for the sale of said battery, and said battery was sold under said order September twenty-ninth, one thousand eight hundred and eighty, by Washington B. Williams, as special master, and the proceeds of said sale, after deducting the expenses thereof, were deposited with the clerk of the court of chancery, to be held in place of said battery subject to the further order of the chancellor in relation thereto; *and whereas*, under said order said sale was, upon application, approved by said chancellor; *and whereas*, the executors of Edwin A. Stevens are now ready to execute such conveyance or instrument as may be proper; *and whereas*, it is proper that the money arising from said sale should be paid into the treasury of the state of New Jersey and appropriated to some special purpose; therefore,

Acceptance by the state of the proceeds of sale.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the state of New Jersey hereby accepts the proceeds of the sale of said battery now in the court of chancery, in lieu of and in full execution of the terms of the bequest made by said Edwin A. Stevens in his last will and testament, and in the codicils thereto, upon the execution by the executors of such instrument, conveyance or release of all interest in said battery and in the proceeds of the sale thereof, as shall be approved by the governor and attorney-general of the state, such instrument to be filed with the comptroller of the state.

Proceeds of sale, how appropriated and used.

2. *And be it enacted*, That the proceeds of the sale of said battery as aforesaid shall be paid to the treasurer of the state and appropriated to the state institution for the deaf and dumb, to be used by the trustees of said institution for completing the alterations, repairs, and improvements in the property of said institution; for constructing and furnishing the necessary buildings; for purchasing the necessary school books, school apparatus, and other appliances, and for such other purposes as may, in the judgment of the said trustees, be found necessary to prepare the said buildings for their intended occupancy and to establish the pupils therein.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 5, 1883.

CHAPTER LX.

Supplement to an act entitled "An act concerning taxes," approved April fourteenth, one thousand eight hundred and forty-six.

Poll tax not to exceed one dollar.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter there shall not be assessed upon any inhabitant of this state any poll tax for any of the purposes provided for in any special or local law of this state in excess of the sum of one dollar, any such special or local law, or any general law of this state, to the contrary notwithstanding.

In counties where poll tax exceeds one dollar to be levied in same manner as in other counties.

2. *And be it enacted*, That in all the counties in this state where any special or local law now provides for the assessment of a poll tax in excess of the sum of one dollar, for any purpose whatever, the tax necessary for such purpose shall hereafter be assessed and levied upon the property in such county in the same manner as other counties are now assessed and levied.

Repealer.

3. *And be it enacted*, That all acts and parts of acts inconsistent with this act are hereby repealed, and this act shall take effect immediately.

Approved March 5, 1883.

CHAPTER LXI.

An Act to authorize the boards of chosen freeholders in counties of the first class in this state to lay out, open and improve a public road in each of the counties of the first class in this state.

Authorized to construct road.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any

of the boards of chosen freeholders in counties of the first class in this state, at any time hereafter, when it shall be deemed advisable and for the best interests of such county, to lay out, open, construct, improve and maintain a public road in each of the respective counties of the first class in this state, extending through such county, in any direction, from one boundary line to the other of such county of the first class; and each of said boards of chosen freeholders in the respective counties of the first class in this state are hereby invested with all the rights and powers necessary and expedient to lay out, open, construct, pave, flag, macadamize, or otherwise improve and maintain such public road and make the surveys for the same.

May take lands upon making compensation.

2. *And be it enacted*, That the said board of chosen freeholders in any county of the first class in this state shall have power to open such road by taking all the lands, buildings and improvements within the lines of such road, making compensation for any which have not been heretofore dedicated, opened or taken to or for public use; *provided*, that no person in possession of any dwelling-house, store or shop, shall be disturbed, nor any dwelling-house, store, shop, church, engine or school-house or other public structure to be taken down, removed or destroyed, before the expiration of one month after compensation therefor shall be determined and paid or tendered as hereinafter provided; *and provided, also*, that nothing in this act contained shall be so construed as to authorize the removal or destruction of any of the public buildings belonging to such county; *and provided*, that the width of said road shall be one hundred feet, and no more nor no less.

Proviso.

Proviso.

Proviso.

Manner of laying out road.

3. *And be it enacted*, That said board of chosen freeholders, after its determination to lay out any such road, shall, as soon as it conveniently can, proceed to lay out such road in the following manner: they shall in the first place make or cause to be made a survey of such road, with a map thereof, showing the termini and route of such road, including the courses and distances and the various improvements through which the same will pass, and also the names of the several owners of lands proposed to be taken therefor, so far as the same can be conveniently ascertained, and showing the width of such road, which shall be one hundred feet in width; and after the completion of such survey and map it shall be

Survey and map to be filed with clerk of board for public inspection.

filed in the office of the clerk of said board for public inspection; *provided*, that in making the surveys and map of the same, they may use all the surveys and maps that now are or may hereafter be recorded or filed in any public office of such county, or recorded or filed in any public office in any city, town or township in such county, to which they shall at all reasonable times have full access; *provided*, that the same be not removed from such office; *and provided, also*, that the said board may include in any such road, as a part thereof, and in the survey and map thereof, to be shown thereon, any road, street, highway or avenue, or part thereof, already laid out, opened or dedicated in such county, or in any city, town or township thereof, to public use, and said board shall have the exclusive control of such road and regulate the use thereof throughout the entire length thereof. Proviso. Proviso.

4. *And be it enacted*, That so soon as conveniently can be done after such map as is provided for in the third section of this act, is filed with the clerk of said board, and before any further action is had by said board in the matter, the said board shall give public notice in one or more of the newspapers published and circulating in the said county, of the filing of such map for public inspection, which said notice shall be published at least two weeks, and which said notice shall state the time and place when and where said board shall meet to take into consideration the question whether said proposed road shall be laid out and opened or not, which said meeting shall not take place for at least four weeks from the time of filing said map with said board, and which said meeting shall be open and public for the purpose of hearing and considering any objection in writing to the opening of said road, or to the course or location thereof, which may be presented to said board at such time and place. Notice to be given of the filing of the map.

5. *And be it enacted*, That said board, after the filing of said map, and the hearing and considering any objections which may be presented, shall have power to alter, revise, correct or change said surveys and maps as to course and location of said road, and adopt the course and location as laid down originally on said survey and map, or adopt the course and location as altered, revised, corrected or changed, or abandon the whole project entirely; *provided*, that if the same be so abandoned, such abandonment shall in no case May alter or change surveys, &c., after filing of map. Proviso.

be construed as an exhaustion of the powers of said board under this act, but said board may at any time commence anew under the provisions of this act, and that the powers of said board under this act shall be treated as continuous until such road shall be laid out, opened and improved as aforesaid, or this act repealed.

May revise, alter, &c., location of road.

6. *And be it enacted*, That after said board shall have heard and considered any objections which shall as aforesaid have been presented to them, they may, if they deem it to the best interests of the county, revise, alter and correct said map and location and course of said road, and order all such alterations in the course and location of said road, and if it is deemed in their judgment to be desirable, declare by resolution of such board that said road shall be laid out, opened and improved in accordance with the provisions of this act; and such board, their agents, engineers, surveyors and others in their employ, shall have full power at all times to enter upon any lands for any of the purposes contemplated by this act; that any land and real estate deemed necessary by the said board for the laying out, opening, construction, improving and maintaining such road or any part thereof, may be taken therefor, and value and damage assessed be allowed for the same, in the manner herein provided—that is to say, the said board of chosen freeholders after declaring by resolution that said road shall be laid out and opened, and the adoption of the location and course thereof, shall immediately, by a petition in writing signed by the director and clerk of said board, make application to the justice of the supreme court holding the county circuit court for said county, for the appointment of three commissioners, who shall be freeholders and residents in such county, and upon such application, when so presented, said justice shall make an order fixing a time and place when said commissioners will be appointed, which shall not be less than fifteen days from the making of such application; notice of which said order shall be published in at least three newspapers published and circulated in said county, or in such other manner as said justice may direct, for a time not less than two weeks, of the particular time and place for the appointment of said commissioners, at which time and place, upon satisfactory evidence to him of the publication of such notice as aforesaid, he shall appoint, in writing under his hand, three dis-

May enter upon lands.

Land may be taken when necessary.

Appointment of commissioners.

interested, impartial and judicious freeholders, residents in such county, commissioners to examine and appraise the value of the land and real estate to be taken for the laying out and opening of said road and the damage to be done to the owner or owners thereof by taking the same, upon such notice to be given to the persons interested as shall be directed by the justice making said appointment, either personally, by publication or otherwise; and it shall be the duty of the said commissioners (having first taken and subscribed an oath or affirmation before the said justice, faithfully and impartially to discharge the duties of their appointment, which oaths or affirmations shall be filed with the clerk of said board of chosen freeholders) to meet at the time and place appointed, and proceed to view and examine the said lands and real estate to be taken for the laying out and opening of said road, hear the statements of parties interested, and from time to time adjourn the said examination and hearing, if in their judgment such action shall be necessary, and to make a just and equitable estimate or appraisement of the value of the lands and real estate, and the value of the interest of each owner of the land and real estate to be taken, and the damage to be done to each owner by taking the same, considering in such appraisal the condition in which each owner's parcel will be left after taking so much thereof as will be necessary for said opening; and when the estates in any of said lands and real estate are not known, they shall appraise the value and damages to be done to the fee-simple (which amounts shall be paid by the board of chosen freeholders as hereinafter directed) and separate appraisements made for each separate tract; and said commissioners shall, within three months from the date of their appointment, make their report in writing under their hands and seals, or any two of them, and shall file the same within ten days thereafter in the clerk's office of such county, and remain of record therein, together with their appointment and proof of notice as aforesaid, as directed by the justice aforesaid, a copy of which, certified by the clerk of the county, under his seal of office, shall be filed with the clerk of the board of chosen freeholders, and by him presented to the board at its next meeting, and filed of record in his office; and thereupon and on payment or tender of payment of the amount awarded as hereinafter provided, the said board of chosen freeholders is

Duty of commissioners.

Report to be filed in office of county clerk.

Copy to be filed with clerk of board.

hereby empowered to enter upon and take possession of the lands and real estate for the use of the inhabitants of such county; and the said report, or a copy thereof, certified by the clerk of such county, and proof of payment or tender of the amount awarded, shall at all times be construed as plenary evidence of the right of such board of chosen freeholders to have, hold, use, occupy, possess and enjoy the said lands and real estate for the uses of said county; and the said justice of the supreme court shall, upon application of either party, and on reasonable notice to the other, tax and allow such costs, fees and expenses to the commissioners or others performing any of the duties prescribed in this section of this act, as he shall think equitable and right, which shall be paid by the county collector upon certificate of such justice; *provided*, that should any such board of chosen freeholders of any county acting under the provisions of this act, or the owner or owners of any lands, feel aggrieved by the decision of the commissioners aforesaid, he, she or they may appeal to the circuit court of such county at any time within sixty days after the filing of the said report by said commissioners.

Expenses of commissioners, how paid.

Proviso.

Proceedings in case of appeal.

7. *And be it enacted*, That every appeal from the decision of the commissioners appointed under the preceding section shall be made in writing, and in the form of a petition to said court, and filed with the clerk of the said circuit court of such county; and notice in writing of such appeal shall be given to the opposite party within ten days after the filing thereof, which proceedings shall vest in the circuit court full right and power to hear and adjudge the same, and to direct a proper issue for the trial of said controversy to be formed between the said parties, and to order a jury to be struck and a view of the premises to be had, and the said issue to be tried at such time as said court shall order, upon the like notice and in the same manner as other issues in the said court are tried; and it shall be the duty of the said jury to assess the value of the said land and damages sustained, and if they shall find a greater sum than the said commissioners shall have awarded in favor of the said owner or owners, then judgment thereon, with costs, shall be entered against said board of chosen freeholders, and execution awarded therefor; but if the said jury shall be applied for by the owner or owners, and shall find a less sum than the said

commissioners shall have awarded, then said costs shall be paid by said applicant or applicants, and either deducted out of said sum found by the said jury or execution awarded therefor, as the said court shall direct; but such application shall not prevent the said board of chosen freeholders from taking the said land upon the filing of the aforesaid report as aforesaid; *provided*, that in no case whatever shall said board of chosen freeholders enter upon or take possession of any land of any person or persons until they have paid or tendered to the party or parties entitled to receive the same the amount assessed by the commissioners as the value of such lands and damages; but in no case shall the proceedings of appeal stay the entry upon and possession by such boards of the lands and real estate so as aforesaid taken and appraised for the laying out and opening of said road; *and provided, also*, that if any party entitled to the payment of the amounts so as aforesaid assessed shall refuse to receive the same, be out of the state, or under any legal disability, then the amount assessed or found as aforesaid shall be paid to and kept on deposit by the county collector of any such county for the use of the party or parties entitled to receive the same; *and, further*, that the party or parties entitled to receive the amount assessed by the commissioners may, upon tender being made, receive the same without being barred thereby from his or her appeal from the report of the commissioners; *and provided, further*, that in case any money paid to or deposited as aforesaid with the county collector shall belong to any infant, insane person or idiot, said money shall be paid over by said county collector to any guardian appointed to take charge of such infant's, insane person's or idiot's estate, when it shall appear to the said circuit court that such guardian has filed a good and sufficient bond to cover said amount, with the court or surrogate appointing such guardian, or the money may, by said court, be ordered to be invested by the county collector for the benefit of such infant, insane person or idiot.

Proviso.

Proviso.

Proviso.

Proviso.

8. *And be it enacted*, That if any person shall have a mortgage, lease, life estate or any other estate less than fee, in any lands taken, said estate shall be appraised by the commissioners, or, in case of appeal, by the jury, and deducted and paid out of the amount assessed or awarded for the whole fee.

Mortgage, life estate, &c., in lands taken, to be deducted.

May issue bonds to pay awards, &c.

9. *And be it enacted*, That in order to raise money to pay the award of the commissioners or assessment of damages by a jury in case of an appeal, for the lands and real estate taken by this act, it shall be lawful for any such boards of chosen freeholders to cause, by resolution, the bonds of such county, in the name of such board of chosen freeholders, to be issued for the same, in such sums as such board may deem proper, and that money realized from such bonds shall be paid to the county collector, to be by him applied to the payment of said awards and damages as directed by resolution of such board; that the bonds authorized to be issued by this section of this act may be either coupon or registered bonds, as the board of chosen freeholders may determine, and the same shall be made payable, both principal and interest, at the office of the county collector of such county, and said bonds shall be sold by the board of chosen freeholders of such county, upon the orders and resolutions thereof, either upon bids for the same, duly advertised for, or otherwise;

Proviso.

provided, that said bonds shall in no case be sold at less than par; the director of such board and the county collector of such county shall sign said bonds, and the same shall be sealed with the seal of the county, and the county collector shall number and register the same, and registered bonds may be exchanged for coupon bonds, and coupon bonds exchanged for registered bonds, at the request of the holder thereof;

Proviso.

provided, that the board of chosen freeholders, by resolution, shall consent to such exchange; and said bonds shall bear such interest as such board shall determine, not exceeding five per centum per annum, and said interest shall be paid semi-annually, and the said bonds shall have such time to run as said board of chosen freeholders may, at the time of the issue thereof, by resolution, determine, not exceeding thirty years.

Bonds, rate of interest.

When due.

Principal and interest of bonds to be paid by tax.

10. *And be it enacted*, That such board of chosen freeholders shall, each year, place in the tax levy for such county for such year, so long as such bonds shall run, a sufficient sum to pay all interest on said bonds during such year, and also a sufficient sum to pay the principal of said bonds falling due within the year, the same to be levied and raised in the same manner as other county taxes are levied and raised.

Power to lay out road.

11. *And be it enacted*, That said board shall have the full

power to lay out, open, construct, improve and maintain such public road, as provided in the preceding sections of this act; that such board shall establish and determine the width of the carriage-way and sidewalks of said road; *provided*, that both carriage-way and sidewalk shall be one hundred feet in width and no more nor less; and shall construct said road by grading the same in such way and manner, and according to such grade as the said board shall fix and determine, by excavating and removing earth, rocks, trees, stumps, buildings, improvements and all obstructions, by disposing of such portion thereof as are not needed in the constructing and improving said road, to the best advantage, and by filling any low parts of the route, and otherwise preparing the premises for such road, by building all the bridges on such road, and by building all sewers, culverts and receiving basins, and providing all necessary sewerage and outlets for the same, or by making connection with or using any public sewers or outlets that may exist that they may deem necessary, within or without the lines of such road; *provided*, that such road shall be constructed upon the grades established by any municipal authorities (if any have been established), as near as conveniently may be, so as to ensure an easy and even grade throughout the entire road, and in case any grade shall be changed, compensation shall be made to the person injured (if any there shall be injured by such alteration of grade); said board shall have power at any time to improve said road or any part thereof by paving, macadamizing, or otherwise improving the road-bed thereof, and by flagging or otherwise improving the sidewalks or any part thereof, by curbing and guttering said road or any part thereof, by providing lamps for and lighting such road or any part thereof, and may use in making any such improvement any labor or materials which said board is authorized to use, and any materials now or at such time in use, for any of said purposes, within the lines of such road that may be found there, or that may have been placed there by or under any municipal authority whatsoever.

Proviso.

Proviso.

Further powers of board.

12. *And be it enacted*, That all work and materials of or exceeding one thousand dollars, done or furnished in and about the opening, laying out, constructing and improving such road, shall be done or furnished by contract, after

Work to be done and materials furnished by contract.

advertisement, in the following manner: the said board shall advertise for proposals for doing any work or furnishing materials amounting in the whole to one thousand dollars or more, for at least two weeks, once in each week, in such of the newspapers of such county as they may deem expedient, and shall thereafter, at some stated or special meeting, award the contract or contracts to the lowest responsible bidder, who shall furnish such goods and sufficient sureties as may be approved by said board; all bids must be opened at a regular or special public meeting of said board, and not otherwise; but said board shall be under no obligation to accept the lowest bid, if they deem it to be against the public interest so to do, and may reject all bids if they deem it to be for the interest of the public so to do; and in case of such rejection the said board shall again advertise for proposals, and proceed in all things as if no proposals had before been offered; *provided*, that the board may in the laying out, opening, constructing and improving said road, use any labor or materials which said board is authorized now by law to use, and any materials now or at such time in use for any of said purposes within the lines of such road that may be found there, or that may have been placed there by or under any municipal authority whatsoever.

Proviso.

13. *And be it enacted*, That except to cross such road, no horse, dummy or other railroad shall be allowed on such road or any part thereof.

Costs and expenses of road to be raised by tax.

14. *And be it enacted*, That costs, charges and expenses of laying out, opening, constructing and improving such road in accordance with the provisions of this act, and all moneys required or necessary for any of the purposes aforesaid shall be raised in the manner hereinafter provided, and shall be paid by the public of such county at large, and shall be raised by tax at the times and in the manner hereinafter provided.

May issue certificates of indebtedness.

15. *And be it enacted*, That said board shall have the power to issue certificates of indebtedness in payment for work done or materials furnished, or any expense incurred in the execution of this act (except to pay awards for lands taken and damages thereto, which are hereinbefore provided for), and to issue them at such times, and for such amounts, payable at such periods and executed and transferable in such

manner as they may deem best; said certificates of indebtedness shall be paid out of the proceeds of the sale of bonds as hereinafter authorized to be issued and sold, and shall bear interest at the rate of four per centum per annum, and shall be made payable within one year from the date thereof, as the said board shall therein designate. How paid. Rate of interest. When due.

16. *And be it enacted*, That the entire costs of laying out, opening, constructing and improving said public road in any county of this state, shall not exceed (including awards for lands taken and damages thereto) the sum of one million dollars. Entire cost of road not to exceed one million dollars.

17. *And be it enacted*, That it shall be the duty of such board to maintain such road or any part thereof, and to keep the same in repair and fit for public use from year to year, at the expense of the public at large of such county, and that the appropriation for such purposes, when necessary, shall be made and raised in the same manner as the appropriations for other county purposes are made and raised. Duty of board to maintain and keep road in repair.

18. *And be it enacted*, That in order to raise money to pay the costs, charges and expenses of laying out, opening, constructing and improving such road in accordance with the provisions of this act, and all moneys required or necessary for any of the purposes aforesaid, it shall be lawful for such board of chosen freeholders from time to time, either before or while such work or improvement is in progress, by resolution, to cause the bonds of such county, in the name of such board of chosen freeholders, to be issued for the same in such sums as such board may deem proper; and that the moneys realized from such bonds shall be paid to the county collector to be by him applied to the payment of the costs, charges and expenses of laying out, opening, constructing and improving such road or the certificates of indebtedness issued thereon, as directed by resolutions of said board; that the bonds authorized to be issued by this section of this act may be either coupon or registered bonds, as such board of chosen freeholders may determine, and the same may be made payable, both principal and interest, at the office of the county collector of each county, and said bonds shall be sold by the board of chosen freeholders of such county, upon the orders and resolutions thereof, either upon bids for the same, duly advertised for, or otherwise; *provided*, that said bonds shall in no case be sold at less than par; the director of such May issue bonds to pay costs of road or certificates of indebtedness. Proviso.

board and the county collector of such county shall sign said bonds, and the same shall be sealed with the seal of the county, and the county collector shall number and register the same; and registered bonds may be exchanged for coupon bonds, and coupon bonds exchanged for registered bonds, at the request of the holder thereof; *provided*, that such board of chosen freeholders, by resolution, shall consent to such exchange; and said bonds shall bear such interest as such board shall determine, not exceeding five per centum per annum, and said interest shall be paid semi-annually, and the said bonds shall have such time to run as said board of chosen freeholders may, at the time of the issue thereof, by resolution, determine, not exceeding thirty years, and the costs, charges and expenses aforesaid incurred in the laying out, opening, constructing and improving said road, as provided for by this act, shall be paid in no other manner; *and provided*, that the issue of such bonds in all shall not exceed the sum of one million dollars.

Proviso.

Bonds, rate of interest.

When due.

Proviso.

Principal and interest of bonds to be paid by tax.

19. *And be it enacted*, That such board of chosen freeholders shall, each year, place in the tax levy for such county for such year, so long as such bonds run, a sufficient sum to pay all interest on said bonds during such year, and also a sufficient sum to pay the principal of said bonds falling due within the year, the same to be levied and raised in the same manner as other county taxes are levied and raised.

Accounts of expenditure of road to be kept separate.

20. *And be it enacted*, That the said board and the county collector shall keep the accounts of the expenditures on account of said road separate and apart from the accounts of the other expenditures of such county, which account shall be called "the public road account," and the clerk of said board shall, on the first days of May and December in each year, file with the county clerk, there to be and remain as a public record, a detailed, itemized account of the expenditures of such board in relation to such road, which said account shall have been submitted to said board, approved of by said board, and ordered to be filed as aforesaid, and that the county collector shall also in like manner, at the times aforesaid, make and file his report of the moneys received by him on account of the issue and sale of bonds, or otherwise, and the amounts paid out by him by order of such board, which said reports shall be included under separate and appropriate headings in the annual reports of the

receipts and expenditures of said board as now made in accordance with law.

Power to employ officers, surveyors, &c.

21. *And be it enacted*, That such board shall, under the laws now in force and in accordance therewith, employ such officers, surveyors, engineers, agents, clerks or employes, as shall be necessary and requisite to carry the provisions of this act into effect, but no member of said board, nor any officer, surveyor, engineer, agent, clerk or employe (except a contractor or employe for work to be done or materials to be furnished for such road) shall at any time be interested in any proposal, bid or contract that shall be made by or offered to or made with said board, or in any work done for or materials to be supplied to said board.

May establish rules and regulations, &c.

22. *And be it enacted*, That said board may establish such rules and regulations for the authentication of all their acts, contracts, and for all other purposes necessary or expedient for the efficient execution of this act, as to them shall seem necessary or convenient; they shall keep a full record of all their meetings and proceedings, and regular accounts of all moneys received and expended, and include the same under the separate headings of "public road account" in the annual report of the receipts and expenditures of said board, and that all meetings and proceedings of said board relating to their duties under the provisions of this act shall be public.

Meetings to be public.

Proceedings, maps, &c., matters of public record.

23. *And be it enacted*, That all the proceedings and acts of said board, as the same shall appear upon the minutes of said board, and all maps, contracts, awards, assessments or other matters or papers on file in their office, shall be matters of public record, and all parties shall be deemed to have due notice of the existence thereof, and the same shall be open to the inspection of the public during the business hours of every day (except Sundays and holidays); and copies thereof, certified under the seal of the clerk of such board, shall be evidence in all courts and places, the same as the original would be if produced.

Upon completion of road, copies of all papers relating thereto to be filed with county clerk.

24. *And be it enacted*, That after the completion of the laying out, opening, constructing and improving of said road, such board shall forthwith make, or cause to be made, a copy of all map or maps, report or reports, record or records, in their office relating to the course and location of said road, and cause the same to be certified under the seal of such board, and the hand of the clerk thereof, and the

director or other presiding officer, and file the same in the office of the county clerk, there to be and remain of record.

Words, how construed.

25. *And be it enacted*, That whenever in this act, words importing the plural number are used in describing or referring to any matter, parties or persons, any single matter, party or person shall be deemed to be included, although distributive words may not be used; and when any subject-matter, party or person is described or referred to by words importing the single number, or the masculine gender, several matters, and persons, and females as well as males, and bodies corporate as well as individuals, shall be deemed to be included; and these rules of construction shall apply in all cases, unless it be otherwise specially provided herein, or unless there be something in the subject or context repugnant to such construction.

Power not conferred until act is accepted by majority of votes at next annual election.

26. *And be it enacted*, That this act shall not confer power to operate under it by the board of chosen freeholders of any county until the same shall have been accepted by a majority of the votes cast as hereinafter provided at the next regular annual election held for members of the board of chosen freeholders in such county; that the mode of voting shall be "for public road," or "against public road;" that the board of chosen freeholders shall cause notice to be given of the election at which such vote shall be taken, in at least six newspapers printed in the county where such vote is to be taken, for at least once a week, for four successive weeks before such election; and shall provide tickets to be voted, both "for" and "against" such public road, and suitable boxes to receive such ballots; the same judges of election shall act as in the general election, and the result of the votes cast "for" and "against" the public road shall be canvassed and returned separately from the general election returns, but in the same manner, and the boxes and statements shall be filed with the clerk of the county.

27. *And be it enacted*, That this act shall be deemed a public act and shall take effect immediately.

Passed March 7, 1883.

CHAPTER LXII.

An Act relative to the management of the sinking fund.

Commissioners directed to sell real estate.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the commissioners of the sinking fund be directed and required to dispose of all the real estate now held by and for the account of the fund, at such times and for such prices as will in their judgment be for the best interests of the state, and that the said sales may be either private or public, in the discretion of said commissioners.

Real estate acquired under foreclosure to be sold.

2. *And be it enacted*, That in case the commissioners of the fund shall further acquire real estate under foreclosure proceedings, that the same shall be sold at private or public sale by said commissioners, in the manner provided by section one of this act; and the proceeds of all sales made in pursuance of this act shall be applied to the payment of the principal and interest of the "war bonds" of the state as the same shall become due and payable; *provided*, that the commissioners shall be authorized to pay, upon the approval of the governor, from the proceeds of the said sales, the necessary expense of giving public notice of such sales, if any has been given, and such other expenses as may be necessary to carry out the provisions of this act, and the remainder of such proceeds, in excess of the amount needed to meet the required payment of principal and interest of the "war bonds" of the state, the said commissioners are hereby authorized and directed to temporarily invest the said surplus in United States bonds, or such other public securities (subject to the approval of the governor) as may be readily and speedily disposed of when the moneys are required for the purpose above mentioned.

Proceeds, how applied.

Proviso.

May loan purchasers one-half of purchase money.

3. *And be it enacted*, That the commissioners of the fund are hereby authorized to loan to purchasers of state property under this act, one-half the amount of the purchase money, the same to be secured by bond and mortgage on the premises so purchased.

Foreclosure proceedings to be commenced where interest is due, &c.

4. *And be it enacted*, That the commissioners are directed and required to cause foreclosure proceedings to be commenced and prosecuted without delay, in all cases where the interest on bonds secured by mortgages, is or may become due and remain unpaid for the space of six months; *provided*, that in case foreclosure proceedings shall have been commenced, the said commissioners may, in their discretion, discontinue the same upon the payment of accrued interest and the costs of such proceedings.

Proviso.

Repealer.

5. *And be it enacted*, That all acts or parts of acts inconsistent with this act, be and the same are hereby repealed, and that this act shall take effect immediately.

Approved March 7, 1883.

CHAPTER LXIII.

A Supplement to an act entitled "An act for the punishment of crimes," approved March twenty-seventh, one thousand eight hundred and seventy-four.

Penalty for transacting or seeking to transact the business of insurance without authority.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any person or persons who, within this state, shall, directly or indirectly, transact any fire insurance business, for or on behalf of any fire insurance company or association, not authorized by the laws of this state to do business within this state, or shall, directly or indirectly, transact any fire insurance business without being authorized by law to transact the same, or shall in any way, directly or indirectly, seek or effect, or cause, procure or assist to be made or effected, or attempt to procure or effect, any fire insurance on property within this state, by or in behalf of any insurance company or association, or any company or person whatsoever, not authorized by the laws of this state, and duly qualified thereunder, to effect fire insurance on property within this state, or shall act as agent, surveyor, canvasser or other representative of or for any such company, association or person, in or about any business not

permitted by the laws of this state, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding five hundred dollars, or imprisonment not exceeding six months, or both.

Provisions of act not to affect existing laws.

2. *And be it enacted*, That nothing in this act shall abolish, alter or affect any penalty now provided or imposed by law and recoverable in the name of the state, but all such penalties shall remain recoverable as heretofore.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 7, 1883.

CHAPTER LXIV.

An Amendment to an act entitled "An act in relation to past due taxes and assessments," approved March twenty-third, A. D. one thousand eight hundred and eighty-two.

Section amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of the said act be amended so that the same shall read as follows:

Board of finance, &c., may revise, alter, &c., subject to approval of mayor.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of finance and taxation or other board having control of the financial affairs of any city in this state, or the common council or other legislative body of any city having no such board, may make such revision, alteration, adjustment and settlement of past due assessments and all interest and penalties thereon, as such board, common council, or legislative body, subject to the approval of the mayor, may or shall deem to be for the best interest of such city; *provided*, that the provisions of this act shall not in any wise affect or impair the interest or lien of any purchaser other than such city, acquired under any sale made for past due assessments, or apply to assessments made or assessed subsequent to the first day of January, one thousand eight hundred and eighty-one.

Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 8, 1883.

CHAPTER LXV.

A Further Supplement to an act entitled "An act to regulate fences," passed January twenty-third, one thousand seven hundred and ninety-nine.

Section amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the first section of "An act to regulate fences," passed January twenty-third, one thousand seven hundred and ninety-nine, be and the same is hereby amended to read as follows:

What shall be esteemed lawful fences.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all fences consisting of posts and rails, timber, boards, brick or stone walls, and all other fences, shall be esteemed lawful, if four feet and two inches high, measuring from the level or surface of the earth, and close, strong and sufficient to prevent horses and neat cattle from going through or under the same; and all fences set in the line of partition between persons, either of whom improve their adjoining lands, shall be so close, strong and sufficient as to prevent sheep from going through or under the same; and all ditches and drains made in or through salt marshes and meadows, for fencing and draining the same, being five feet wide and three feet deep, shall also be esteemed and adjudged lawful fences; and all ditches and drains made in or through other meadows, being nine feet wide at the surface of the meadow, four feet and a half wide at bottom, and three feet deep, and lying on a mud or miry bottom, shall likewise be esteemed and adjudged lawful fences; and all brooks, rivers, ponds, creeks and hedges, or other matter or thing equivalent to any such fence as aforesaid, may be adjudged lawful fences, at the discretion of those who may be called to view the same as by this act is prescribed; and all such beasts as shall creep through, get over or break down any such fence, may be impounded, and the owner thereof shall be obliged to pay and satisfy all damages occasioned thereby, in manner and form as by this act is directed.

Animals may be impounded for breaking through fence, &c.

Approved March 8, 1883.

CHAPTER LXVI.

A Supplement to the act entitled "An act incorporating the inhabitants of townships, designating their powers and regulating their meetings," approved April fourteenth, one thousand eight hundred and forty-six.

City, township, &c., of less than one thousand inhabitants to have one freeholder.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no city, township or borough in this state, entitled by law to elect chosen freeholders, and having less than one thousand inhabitants at the last preceding national or state census, shall elect more than one chosen freeholder for such city, township or borough.

Repealer.

2. *And be it enacted*, That all acts and parts of acts, public or private, inconsistent with this act, are hereby repealed.

3. *And be it enacted*, That this act shall go into effect immediately.

Approved March 8, 1883.

CHAPTER LXVII.

A Further Supplement to the act entitled "An act to provide for the regulation and incorporation of insurance companies" [Revision], approved April ninth, eighteen hundred and seventy-five.

May issue policies against loss by lightning, wind, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any fire insurance company, organized or to be organized under any law of this state, to issue policies, providing against loss or damage by lightning, wind-storms and tornadoes.

May invest surplus funds in bonds and mortgages, and bonds of states or municipalities.

2. *And be it enacted*, That it shall be lawful for any one of said fire insurance companies, which may be doing an agency business out of this state, to invest a part of its surplus funds in bonds and mortgages, on unincumbered real estate, situate where it may be doing such agency business, and worth double the amount so invested, and also in such good regular interest-paying bonds of states or the municipal corporations thereof as have not, within ten years previous to such investment, defaulted in the payment of either principal or interest in any debt.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 8, 1883.

CHAPTER LXVIII.

An Act for the protection of producers and shippers of milk.

Not lawful to use, sell, &c., any milk-can without consent of owner.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be unlawful for any person, without the permission of the owner thereof, to use, sell, dispose of, buy or traffic in, any milk-can or cans marked or stamped with the name or initials of any shipper of milk residing within this state, or to willfully mar or erase said name or initials of any such shipper of milk so marked or stamped upon said can or cans.

Penalty for so using, selling, &c.

2. *And be it enacted*, That any person who shall so use, sell, dispose of, buy or traffic in, any such can or cans, or who shall so willfully mar or erase the said name or initials thereon, shall be liable to a penalty not less than fifty nor more than one hundred dollars, to be recovered by proceedings as hereinafter provided and set forth, together with all costs of such proceedings, which said penalty shall be for the use of the poor of the city, town or township wherein such offense shall be committed.

Owner may make complaint against person using cans.

3. *And be it enacted*, That if any such owner, or his or her agent, has reason to believe and does believe that any of his or her can or cans so marked or stamped, has or have been unlawfully used as aforesaid by any person, or that

any person has any of his or her said can or cans secreted in or upon his premises, or in any other place or places, any such owner, or his or her agent, may go before any justice of the peace of the county, or any police justice or recorder of any city wherein such offense may be or have been committed, and make complaint thereof under oath.

Magistrate to cause the arrest of person complained of.

4. *And be it enacted*, That it shall be the duty of any justice of the peace, or any other magistrate as aforesaid, before whom any such complaint shall be made as aforesaid, thereupon to issue a process in the nature of a search warrant, directed to any constable or police officer of said city, town or township, which shall recite said complaint as aforesaid, and shall command said constable or officers to immediately search the premises, place or places mentioned in said complaint; and if, upon such search, any such can or cans as mentioned in said complaint be found, to bring the same, together with the body of the person in whose possession they may be found, before such justice.

Proceedings before magistrate.

5. *And be it enacted*, That when any such person as aforesaid shall be brought before any justice of the peace or such other magistrate upon a process issued as aforesaid, such person shall enter into a recognizance with good security, to be approved by said justice, in the penalty of one hundred dollars, to appear at such time as the said justice shall appoint for a hearing under said complaint, which hearing shall not be less than five nor more than ten days from the day of said arrest, and may be adjourned by such justice from time to time, on good and sufficient cause being shown therefor, and in default of such recognizance, such person shall be committed by said justice to the county jail to abide a hearing, upon which hearing the said justice shall proceed to hear and determine as to the truth of said complaint, and the ownership of such can or cans that may be brought before him; and if said justice shall determine such person to be guilty of the offense as charged in said complaint, he shall thereupon render judgment against such person for an amount of not less than fifty dollars nor more than one hundred dollars, and all costs of such proceedings, and in default of payment thereof issue execution therefor against the goods and chattels and the body of such person, and shall immediately deliver such can or cans into the possession of such owner to whom the same shall appear to belong.

When person is not found, magistrate to determine possession of cans.

6. *And be it enacted*, That if, upon the issue of any such process as aforesaid, the said constable or other officer shall be unable to find the person therein named, but shall find any can or cans as therein set forth, he shall bring such can or cans before such justice, who shall thereupon proceed to determine the right of such complainant thereto; and if upon the hearing had thereon he shall be satisfied that such can or cans rightfully belong to such complainant, he shall forthwith deliver the same into his or her possession, or the possession of his or her agent.

May demand a jury trial.

7. *And be it enacted*, That any time previous to the hearing of said complaint as aforesaid, either party may demand a trial by jury, whereupon said justice shall issue a *venire facias* to summon a jury of twelve men, competent as jurymen, to try said complaint, and to decide whether the person complained of be guilty or not guilty, which said jury shall also determine the rightful ownership of every such can or cans, if any there be; and in case the said jury decide such person guilty, then said justice shall proceed as though he had so determined, no jury having been demanded.

May appeal to court of quarter sessions.

8. *And be it enacted*, That either party, upon paying all costs incurred and by filing with said justice within ten days after trial before him a written notice of his or her intention to appeal from the decision of said justice or jury, may appeal to the next court of general quarter sessions of the peace of said county, and may there demand a trial by jury, which court shall proceed to try the same and make such adjudication and delivery thereon as is herein provided in case of such trial before said justice.

Proceedings, how conducted.

9. *And be it enacted*, That except as herein provided, all proceedings had under the provisions of this act shall, as nearly as may be, be regulated by the provisions of and conducted in the manner prescribed in and by an act entitled "An act constituting courts for the trial of small causes," and the several supplements thereto.

Repealer.

10. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act, are hereby repealed, and that this act shall take effect immediately.

Approved March 8, 1883.

CHAPTER LXIX.

A Supplement to an act entitled "An act to regulate proceedings in criminal cases," approved March twenty-seventh, one thousand eight hundred and seventy-four.

Indictments for manslaughter may be tried by courts of general quarter sessions in counties having law judge.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That indictments for manslaughter may be tried by the courts of general quarter sessions of the peace in all counties of this state having a law judge as president judge, and that the same proceedings may be had thereon, as to trial and judgment, as if said indictments were tried in the courts of oyer and terminer of this state.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 8, 1883.

CHAPTER LXX.

An Act relating to certain contracts for the lease or conditional sale of railroad equipment and rolling stock, and providing for the record thereof.

Contracts for lease or conditional sale of equipment and rolling stock.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any railroad equipment and rolling stock shall hereafter be sold, leased or loaned, on the condition that the title to the same, notwithstanding the possession and use of the same by the vendee, lessee or bailee, shall remain in the vendor, lessor or bailor, until the terms of the contract as to the payment of the instalments, amounts or rentals payable, or the per-

formance of other obligations thereunder shall have been fully complied with; such condition shall not be valid as to any subsequent judgment creditor or any subsequent purchaser for a valuable consideration without notice, unless:

How evidenced.

I. The same shall be evidenced by writing, duly acknowledged before some person authorized by law to take acknowledgments of deeds;

Record to be made.

II. Such writing shall be recorded in the same book as mortgages of goods and chattels are recorded, in the office of the recorder of deeds of the county in which is located the principal office or place of business of such vendee, lessee or bailee, within the state;

How marked and named.

III. Each locomotive or car so sold, leased or loaned, shall have the name of the vendor, lessor or bailor, or the assignee of such vendor, lessor or bailor, plainly marked upon both sides thereof, followed by the word owner, lessor, bailor or assignee, as the case may be.

Not to apply to contracts heretofore made.

2. *And be it enacted*, That this act shall not be held to apply to or invalidate any contract heretofore made of the character described in the first section, but the same shall be and remain valid if recorded within ninety days from the date hereof, and this act shall take effect immediately.

Approved March 8, 1883.

CHAPTER LXXI.

An Act to repeal an act entitled "A supplement to an act to amend and consolidate the several acts relating to game and game fish," approved the twenty-seventh day of March, one thousand eight hundred and seventy-four, approved March third, one thousand eight hundred and eighty-one.

Act repealed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That an act of the legislature of this state entitled "A supplement to an act to amend and consolidate the several acts relating to game and game fish,"

approved the twenty-seventh day of March, one thousand eight hundred and seventy-four, which said act was approved March third, one thousand eight hundred and eighty-one, be and the same hereby is repealed.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 8, 1883.

CHAPTER LXXII.

An Act for the relief of officers and employes of boards of education whose salaries have not been paid by reason of the failure of any bank in which money has been deposited, which was to be used for the purpose of paying such salaries.

Board of finance authorized to borrow money to pay salaries.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where any money has been deposited in any national or state bank by the treasurer of any board of education, or any other city officer, to be used for the payment of the salaries of superintendents, teachers, janitors, clerks or other officers or employes of said board, and said bank shall have become insolvent and unable to repay to the said treasurer, or other proper city official, the moneys so deposited as aforesaid, whereby loss will be entailed upon the said officers and employes, then and in every such case the city board having control of the finances of any such city shall have power to borrow the money necessary to meet the deficiency caused by the failure or refusal to pay of said bank, not exceeding, however, the sum of eleven thousand dollars, such money to be used exclusively for the payment of the salaries as aforesaid, the salaries to be paid by a resolution of the board of education, but with the concurrence of said board having control of the finances of said city.

Money borrowed to be raised by tax.

2. *And be it enacted*, That the moneys thus borrowed shall be placed on the next tax levy.

City official not released from any legal obligation.

3. *And be it enacted*, That nothing in this act contained shall be in any way construed to release the treasurer of any such board of education or city official depositing said money in such bank as aforesaid, from any legal obligation upon their bonds or otherwise now existing, but they shall remain liable the same as if this act had not been passed.

Moneys recovered to be placed in sinking fund.

4. *And be it enacted*, That all of said moneys hereafter recovered or obtained from said bank, or from such treasurer of the board of education, or other city officer or person having placed such money in said bank as aforesaid, or from the sureties of any such treasurer or other city officer, shall be placed in the sinking fund of said city, to be used exclusively for the payment of the debt of such city, and shall not be used for any other purpose whatever.

Repealer.

5. *And be it enacted*, That all acts and parts of acts inconsistent herewith, be and the same are hereby repealed, and this act shall take effect immediately.

Approved March 8, 1883.

CHAPTER LXXIII.

An Act explanatory of section twenty-four of the act entitled "An act relative to public printing," approved March twenty-fourth, one thousand eight hundred and eighty-two.

Preamble.

WHEREAS, By section twenty-four of the act entitled "An act relative to public printing," approved March twenty-fourth, one thousand eight hundred and eighty-two, it was enacted as follows: "24. *And be it enacted*, That Charles A. Boeger, of Paterson, be employed to print the report of the state geologist in the German language;" and it is uncertain, from the terms of said act, what number of copies of said report, and which report of said geologist it was intended the said Charles A. Boeger should print; therefore, in order to render the said act certain in the respects aforesaid,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it was intended by the act aforesaid that the said Charles A. Boeger should be employed to print one thousand copies of the report of the state geologist for the year one thousand eight hundred and eighty-two, and the said act is hereby affirmed in the particulars aforesaid. Explanation of act.

Approved March 8, 1883.

CHAPTER LXXIV.

An Act relative to interest on arrears of taxes and assessments in incorporated cities.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That at any time within one year after the passage of this act, any person or persons may pay to the collector of taxes, or other person authorized to receive the same, in any incorporated city in this state, the amount of any tax or assessment due upon any real property belonging to any such person or persons, laid or imposed prior to the year one thousand eight hundred and eighty-two, and now remaining unpaid, together with interest thereon at seven per centum per annum, to be calculated from the time interest is properly chargeable thereon to the time of such payment, together with the actual expenses theretofore incurred by any such city for the enforcement and payment of said taxes or assessments; and the collector of taxes, or other person authorized to receive the same, shall make and deliver to the person or persons making such payment, a receipt therefor, and shall forthwith cancel the record of such tax or assessment; upon such payment, such tax or assessment shall cease to be a lien upon the real estate or property, and shall be deemed and taken to be fully paid, satisfied and discharged, and there shall be no right to any further interest or penalty by reason of such tax or assessment not having been paid within the time heretofore required by law, or by Taxes imposed prior to one thousand eight hundred and eighty-two, may be paid within one year, &c.

reason of any statute passed requiring the payment heretofore of any penalty or interest over seven per centum upon any unpaid tax or assessment; *provided, however,* that nothing in this act contained shall authorize the receipt, under the provisions of this act, of any such taxes or assessments in cases where lands and real estate have been sold for taxes or assessments, and bought in by any other person than the city in which said taxes and assessments are laid, or some officer for the use of such city; nor shall any lien upon real estate for such taxes or assessments be released or affected, nor shall any sale of any real estate for taxes or assessments, or the delivery of any certificate or declaration of sale, or deed therefor, be stayed by anything in this act contained.

Proviso.

Repealer.

2. *And be it enacted,* That all acts and parts of acts inconsistent with this act, be and the same are hereby repealed, and that this act shall take effect immediately.

Approved March 8, 1883.

CHAPTER LXXV.

A Further Supplement to an act entited "An act to establish and regulate pilots from the ports of Jersey City, Newark and Perth Amboy, by way of Sandy Hook."

Apprentice not to be licensed unless he has served three years as boat keeper.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That no apprentice, taken after the passage of this act, shall be licensed unless he shall have served for not less than three consecutive years as a boat keeper of one of the duly licensed Sandy Hook pilot boats of this state.

2. *And be it enacted,* That this act shall take effect immediately.

Approved March 8, 1883.

CHAPTER LXXVII.

An Act regulating the number of school trustees to be elected in the respective school districts of this state, being a supplement to an act entitled "An act to establish a system of public instruction," approved March seventeenth, one thousand eight hundred and seventy-four.

Legal voters to determine number of trustees.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever it shall appear by the annual school census that there are five hundred (500) or more children of legal school age in any school district having but three trustees, then it shall be lawful for the legal voters of the said district, at their next annual meeting for the election of school trustees, to determine by a majority vote of those present whether the number of school trustees shall or shall not be increased to six (6).

Election of trustees, term of office.

2. *And be it enacted*, That in case it be decided to increase the number of school trustees in any such school district to six, then the said legal voters shall proceed to elect, in the manner in which school trustees are now elected, three additional trustees, one to hold office for one year, one for two years and one for three years, and annually thereafter trustees shall be elected for the terms of three years to fill the places of those whose terms expire.

3. *And be it enacted*, That in case it be decided not to increase the number of school trustees, the vote shall be binding upon the district for that year only.

District clerk to insert notice.

4. *And be it enacted*, That it shall be the duty of the district clerk in districts coming within the provisions of the first section of this act, in his notices of the annual meetings for the election of school trustees, to insert a notice that there are within the district five hundred (500) or more children of legal school age, and that it will be determined at said annual meeting whether the board of school trustees shall consist of three or six; *provided*, that in case it shall be determined at any such meeting not to increase the number

Proviso.

to six, then the clerk of said district shall not again insert such notice unless directed so to do by vote of the trustees;

Proviso. *provided, further*, that no vote shall be taken upon this subject unless public notice shall have been given as herein provided for.

Repealer. 5. *And be it enacted*, That all acts or parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed.

6. *And be it enacted*, That this act shall take effect immediately.

Approved March 10, 1883.

CHAPTER LXXVIII.

A Supplement to the act entitled "An act relative to the publication of the laws of this state in the newspapers," approved April twenty-first, one thousand eight hundred and seventy-six.

Session laws to be published in newspaper in Holland language.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the public laws of this state, passed at each session of the legislature, shall be published in the manner provided in the act to which this act is a supplement, in one newspaper of this state printed in the Holland language in addition to the other newspapers now

Proviso. authorized by law to publish said laws; *provided*, said newspaper shall have been published continuously for a period of two years before it shall be entitled to publish the laws as aforesaid.

Approved March 10, 1883.

CHAPTER LXXIX.

A Supplement to an act entitled "An act to regulate elections," approved April eighteenth, one thousand eight hundred and seventy-six.

Section amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the one hundred and sixty-first section of the act to which this is a supplement, be amended so as to read as follows:

Registration of voters in cities having over six thousand inhabitants.

161. *And be it enacted*, That in all incorporated cities containing, according to the census of the year one thousand eight hundred and seventy, or of any subsequent census heretofore taken, either by authority of the laws of the United States or of this state, more than six thousand inhabitants, there shall be a registration of all persons entitled to the right of suffrage therein respectively; *provided*, that where any incorporated city, containing less than six thousand inhabitants, shall lie adjacent to any other city containing more than six thousand inhabitants, the provisions of this act in regard to registration shall apply to all elections held in such city containing less than six thousand inhabitants.

Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 10, 1883.

CHAPTER LXXX.

A Supplement to an act entitled "An act for the formation of borough governments," approved April third, one thousand eight hundred and seventy-eight.

Mayor and council to have control of streets, roads, etc.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the mayor and council shall have general supervision, management and control of the streets, avenues, roads, public places and sidewalks within the borough, and shall have power and authority to accept, if public convenience requires it, any unaccepted street, road or avenue as a public highway, after the same shall have first been opened, worked and graded in conformity to the grade established thereon by the mayor and council, which street, road or avenue so accepted shall thereafter be a public charge and be kept in repair by the said mayor and council.

Taxes collected for road purposes to be used within borough limits.

2. *And be it enacted*, That the taxes which shall hereafter be assessed, levied and collected upon and from the real and personal property within the borough limits for roads, or for the improvement or repair of roads, by the officers of the township in which the borough is situate shall not be used or applied to roads outside of borough limits, but that the same shall be held by the collector of the township subject to the order of the mayor and council of the borough, and shall be used by the said mayor and council for the working, repair and improvement of the streets, roads, avenues, public squares and street crossings within the borough limits.

May provide by ordinance for grading, &c., of sidewalks, streets, &c.

3. *And be it enacted*, That the mayor and council shall have power and authority to provide by ordinance for the grading, construction, repairing and keeping in repair of all sidewalks upon both accepted streets, roads, avenues or public places in the borough at the expense of the owner or owners of the lands in front of which the same shall be graded, constructed or repaired; *provided*, that all such ordinances shall provide for allowing the said owner or owners at least twenty days' time after such ordinance takes effect within

Proviso.

which to grade, construct or repair any such sidewalk in front of his, her or their premises, in conformity with the provisions thereof.

Proceedings in case owner fails to grade sidewalk.

4. *And be it enacted,* That in case the aforesaid owner or owners shall fail to grade, construct or repair such sidewalk according to the requirements of said ordinance, then the mayor and council shall cause the work to be done, and the moneys so expended, with the costs, interest and expense thereof, shall be by said mayor and council assessed upon the lot or lots of land in front of which such sidewalk shall have been so graded, constructed or repaired, by resolution setting forth the name of owner, description of lot owned, and amount assessed thereon, and entered at length on their minutes; and a copy thereof, certified by the mayor and borough clerk, shall, within ten days thereafter, be delivered to the collector of taxes for the said borough, who shall at once enter the same in a book provided for that purpose, to be called "sidewalk assessments," and such assessment shall become and remain a lien on such lot or lots until paid; and if not paid within six months from passage of aforesaid assessment resolution, the mayor and council shall proceed to collect the same by enforcing such lien in the same manner and to like effect as prescribed in a certain act entitled "A further act concerning taxes, making the same a first lien on real estate and to authorize sales for the payment of the same," approved March fourteenth, one thousand eight hundred and seventy-nine.

Repealer.

5. *And be it enacted,* That all acts and parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed.

6. *And be it enacted,* That this act shall take effect immediately.

Approved March 13, 1883.

CHAPTER LXXXI.

An Act authorizing the issue of additional bonds for the extension and maintenance of water works in certain cities in this state.

Authorized to issue bonds.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any board of water commissioners in any city of the second class of this state, to issue, in addition to bonds already issued, bonds in the sum not to exceed twenty-five thousand dollars, at a rate of interest to be fixed by said board, not, however, to exceed five per cent.; and the proceeds of the sale of said bonds shall be used for the laying of pipes and for the extension of the works, and for the same objects and purposes generally as is provided by the act creating such board of water commissioners and the acts amendatory thereof.

Rate of interest.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 13, 1883.

CHAPTER LXXXII.

A Further Supplement to the act entitled "An act to enable cities to supply the inhabitants thereof with pure and wholesome water," approved April twenty-first, anno domini one thousand eight hundred and seventy-six.

City adopting provisions of original act to take and hold the right to lay water pipes.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for any city which may have adopted or shall adopt the provisions of the said act, by the assent of a majority of the legal

voters thereof, voting at an election held or to be held in said city, to purchase, take, condemn, hold, use and enjoy, in the manner and for the purposes mentioned and provided in and by the said act, the right and privilege to lay down, repair, replace and forever maintain any water pipe or pipes, in, over, through and across the land of any owner or owners, upon the route and in accordance with the plan of the said city for the supplying of water to the inhabitants thereof, and the proceedings in and for the condemnation of any such right and privilege shall be, as nearly as possible, similar to the proceedings to be had and taken under the said act in and for the condemnation of any land or water rights which may be required for the purposes thereof, or affected by any operation connected therewith; and any report made or to be made, by any commissioners appointed or to be appointed under and by virtue of the said act, may be delivered to the court appointing the said commissioners, either at the next term thereof, or at the term in which the said appointment was or shall be made.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 13, 1883.

CHAPTER LXXXIII.

An Act permitting the catching of fish by set lines and fish weirs in those tributaries of the Delaware river above tide-water which are obstructed by dams.

Lawful to catch fish in certain locality.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in those tributaries of the Delaware river which empty into said river above tide-water, and whose waters are dammed for milling or manufacturing purposes, it shall be lawful to catch fish, in legal season, by means of set lines and fish baskets, or weirs; *provided, however*, that the said set lines and fish baskets, or weirs, shall

Proviso.

not be placed in any of such tributaries between its mouth and any such dam as shall be nearest thereto.

2. *And be it enacted,* That this act shall be deemed a public act and shall take effect immediately.

Approved March 13, 1883.

CHAPTER LXXXIV.

An Act to authorize incorporated towns having the power to license and regulate inns and taverns, restaurants and beer saloons, to impose a license fee for the purpose of revenue.

Authorized to impose license fee for purpose of revenue.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That all incorporated towns which by their charters now have the power to license and regulate inns and taverns, restaurants and beer saloons, shall be authorized to impose a tax or license fee for all such licenses granted by them for the purpose of revenue, and that the common council, or governing body of said incorporated towns, shall appropriate all license fees received to the incidental or contingent account of said corporation.

2. *And be it enacted,* That this act shall take effect immediately.

Approved March 13, 1883.

CHAPTER LXXXV.

An Act concerning the government of cities of the second class.

Lawful to change time of beginning and ending of fiscal year.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That it shall be lawful for cities of the second class in this state, by ordinance, to alter,

change and establish the time of the beginning and ending of the fiscal year in any such city.

Repealer.

2. *And be it enacted*, That all acts and parts of acts, general and special, inconsistent with this act, be and the same are hereby repealed.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 13, 1883.

CHAPTER LXXXVI.

A Further Supplement to an act entitled "An act for the government and regulation of the state prison," approved the twenty-first day of April, eighteen hundred and seventy-six.

Goods manufactured in state prison to be stamped.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it is hereby made the duty of the principal keeper, supervisor and board of inspectors established by the act to which this act is a further supplement, to cause all goods, wares, merchandise and any article whatsoever, or any part or portion of any goods, wares, merchandise or article whatsoever, made or manufactured in whole or in part by means of the labor or skill (under contract or otherwise) of the prisoners confined in said prison, to be stamped in a legible and conspicuous manner with the words "manufactured in the New Jersey state prison."

Duty of keeper, inspectors, &c.

2. *And be it enacted*, That it is hereby made the duty of the principal keeper, supervisor and board of inspectors of said state prison to make and publish such rules and regulations as shall effectually carry out the provisions of the foregoing section of this act, and any refusal or neglect so to do on the part of any such principal keeper, supervisor or inspector shall be deemed and taken to be a misdemeanor, and, on conviction thereof, any such principal keeper, supervisor or inspector shall be punished by a fine not exceeding

Penalty for neglect, &c.

five hundred dollars, or imprisonment at hard labor for any term not exceeding two years, or both.

Repealer.

3. *And be it enacted*, That all acts or parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed, and this act shall take effect immediately; but the provisions of this act shall not apply to articles manufactured under any contract now in existence.

Approved March 14, 1883.

CHAPTER LXXXVII.

An Act to provide for the purchase, construction and maintenance of public parks by the cities and other municipalities in this state.

City may purchase lands for a public park.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any city or other municipality whatsoever in this state, in which there are no grounds now owned and used as a public park of said city or municipality, may, by a majority vote, purchase lands within said city or municipality, for that purpose, and may dedicate, lay out, and do all other acts suitable to make said lands a public park, and to provide for their public use.

May issue bonds.

2. *And be it enacted*, That the mayor and common council, or other municipal authority of the cities or municipalities of this state, by like vote, shall have power to issue bonds of such city or municipality for the purchase, construction and maintenance of said public parks, and carrying this act into effect, to an amount not exceeding the proportion of five thousand dollars to each one thousand of inhabitants of such city or municipality; which bonds shall not have more than twenty-five years nor less than fifteen years to run, and shall bear interest at a rate not to exceed five per centum per annum, and shall pledge the faith, credit and property of said city or other municipality for the payment of the principal and the interest thereon, and shall provide for the redemption of said bonds by taxation.

Bonds, when due.

Rate of interest.

To be paid by tax.

3. *And be it enacted*, That all acts and parts of acts inconsistent with this act, be and the same are hereby repealed. Repealer.

4. *And be it enacted*, That this act shall be deemed a public act and take effect immediately.

Approved March 14, 1883.

CHAPTER LXXXVIII.

A Supplement to an act entitled "An act for the organization of the national guard of New Jersey," approved March ninth, one thousand eight hundred and sixty-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section fifty of a supplement to the act entitled "An act for the organization of the national guard of New Jersey," which supplement was approved March fifteenth, one thousand eight hundred and seventy-eight, be amended so as to read as follows: Section amended.

50. *And be it enacted*, That the governor and commander-in-chief is hereby authorized to confer upon such citizens of this state as shall have faithfully served as commissioned officers continuously in the same office in the national guard for a period of ten years, a brevet rank of one grade higher than the rank held by them during said term of service; *provided*, that the governor shall nominate the same to the senate, and the rank shall be conferred by and with the advice and consent of the senate; that whenever either of the following officers of a regiment or battalion staff, namely, the adjutant with the rank of first lieutenant, the quartermaster with the rank of first lieutenant, the paymaster with the rank of first lieutenant, the assistant surgeon with the rank of first lieutenant, shall have completed five years of service in either of said offices, they shall be recommissioned therein with the rank of captain. Brevet rank of one grade higher to be conferred on officers serving continuously for ten years. Proviso.

2. *And be it enacted*, That any regiment or battalion of the national guard, the constituent companies whereof are stationed in different cities, towns or villages, may be assem- May be assembled for drill six times a year.

bled for instruction and drill in the school of the battalion six times in each year; and it shall be the duty of the quartermaster general, upon requisition of the commandant of any regiment or battalion so assembling, to furnish transportation for the various companies thereof to and from the place of rendezvous; *provided*, that no regiment or battalion shall be thus assembled except upon the written approval of the brigade commander.

Quartermaster general to furnish transportation.

Proviso.

Section amended.

3. *And be it enacted*, That the twenty-third section of the supplement of the act to which this is a supplement, which was approved March fifteenth, one thousand eight hundred and seventy-eight, be amended so as to read as follows:

Annual inspection to be made in May, except when regiment is not attached to brigade, &c.

23. *And be it enacted*, That the annual inspection of each company of the national guard shall be made by the inspector of brigade between the first day of May and the thirty-first day of May, except that whenever any regiment or battalion is unattached to any brigade, the inspector general be and he is hereby authorized to detail any field or line officer of the national guard to inspect such unattached regiment or battalion, at which inspection there shall be furnished by each company commander to the inspector, muster rolls in triplicate of the company, which rolls have endorsed thereon a certificate of the commanding officer of the average present at all company drills and parades throughout the year, which muster rolls shall then be examined by the inspecting officer and by him certified, and the three copies disposed of as follows: One shall be sent to the regimental or battalion commandant and two forwarded by the brigade inspector or the inspecting officer to the inspector of division.

Section amended.

4. *And be it enacted*, That the twenty-fourth section of the supplement of the act to which this is a supplement, which was approved March fifteenth, one thousand eight hundred and seventy-eight, be amended so as to read as follows:

Appropriation of company failing to parade, &c., forfeited.

24. *And be it enacted*, That the annual appropriation of every company that shall fail to parade for inspection within the time fixed by law, or whose reports are not duly forwarded to the inspector of division on or before the fifteenth day of June succeeding such annual inspection, be and the same is hereby forfeited.

5. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1883.

CHAPTER LXXXIX.

A Further Supplement to "An act concerning railroad corporations," approved March sixth, one thousand eight hundred and seventy-seven.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any railroad corporation owning or operating any railroad within this state, to take and acquire title in the manner prescribed by the act under which such railroad may have been originally constructed, or under which such power may have been at any time conferred by supplement to such act, or otherwise, to all such lands as in the judgment of the board of directors of such corporation shall be necessary to change the location of any section of such railroad, in order to avoid any quicksand, quagmire, sink-hole or other physical obstacle in the way of the safe, convenient and expeditious construction of its roadbed and the maintenance thereof, and the operating of such railroad, and to promote the carrying into effect of all the legitimate purposes of such corporation; and any such railroad corporation as aforesaid is hereby again invested, for the purposes contemplated by this act, with all the powers, privileges and franchises heretofore at any time enjoyed or possessed by it or its lessors, for acquiring and taking title to lands required for the uses and purposes of such railroad; *provided*, that no more than one hundred feet in width for the main track of any road shall be taken for the right of way, except where for depth of cut or the height of embankment more shall be necessary to be taken; and that the section of road so altered in location as provided for in this act, shall not be more than one mile in length; and in case the road shall have been actually constructed within the limits of any corporate city, it shall not be lawful to alter its location or any part thereof, under the provisions of this act, within the corporate limits of such city.

May acquire title to lands necessary to change location of railroad to avoid quicksands, etc.

Proviso.

May sell section of road abandoned.

2. *And be it enacted*, That if any such railroad corporation as aforesaid shall have taken and acquired lands as herein provided, and shall have constructed its road on such new line or location, it shall be lawful for it to sell or dispose of the section of road or location abandoned, in such manner as its directors may see fit.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 14, 1883.

CHAPTER XC.

An Act to provide for some special work for the benefit of agriculture.

May construct receptacles for green fodders, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the officers of the state agricultural college be authorized to construct, upon the farm of that institution, proper and sufficient receptacles for the preservation of green fodders and for the protection and saving of manures; and that they communicate the result of their work in their next annual report to the legislature.

Appropriation.

2. *And be it enacted*, That for the purpose of carrying out this work, a sum not exceeding two thousand dollars be appropriated, which may be drawn from the treasury on bills properly certified by the president of said college.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 19, 1883.

CHAPTER XCI.

An Act amending "An act respecting county jails," approved April twenty-first, one thousand eight hundred and seventy-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the fourth section of the act to which this is an amendment, be and the same is hereby amended to be and read as follows: Section amended.

"4. *And be it enacted*, That the action of the board of chosen freeholders, or of the committee on discharge of prisoners of such board, in remitting a part of the term of imprisonment, or a part of the fine or costs of any prisoner detained in the county jail under the sentence of the court of oyer and terminer, shall, before it take effect, be approved in writing by the president judge of said court; and in the case of any prisoner so detained under the sentence of the court of general quarter sessions of the peace, or of the court of special quarter sessions of the peace, shall, before it take effect, be approved in writing by the president judge of the court, if there be one, and if there be no president judge or law judge, or in his absence, then by any one of the judges thereof; all sentences to the county jail of any county, and all commitments thereto for non-payment of fines or costs, or both, shall be construed and understood to be made subject to the provisions of this act." Action in remitting fine or term of imprisonment to be approved by judge of court.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 19, 1883.

CHAPTER XCII.

An Act to authorize and empower any Methodist Episcopal church to sell and convey any lands and real estate owned by said church, not occupied by such church for burial or other purposes.

Authority to sell certain lands and real estate.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases where any Methodist Episcopal church owns any lands and real estate not used or occupied for burial or other purposes, said church is hereby authorized to sell and convey the same to the purchaser thereof, by deed, in the corporate name of such church, and to invest the proceeds of such sale in the purchase of other lands and the erection of buildings thereon for the use of said church; *provided*, such sale shall be in pursuance of a resolution of the board of trustees of said church.

Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 21, 1883.

CHAPTER XCIII.

An Act to authorize the comptroller to file an amended abstract of ratables from Bergen county for the year one thousand eight hundred and eighty-two.

Preamble.

WHEREAS, The board of assessors of the county of Bergen, at the regular meeting of said board, held on the fourth day of September, in the year one thousand eight hundred and eighty-two, increased the valuation of real and personal property subject to taxation in the township of New

Barbadoes, in said county, by the sum of two hundred and fifty thousand dollars, and in the township of Englewood, in said county, by the sum of three hundred thousand dollars, and caused an abstract of ratables, including said sums of increased valuation, to be filed in the office of the comptroller of the state; *and whereas*, the supreme court of this state, at the November term, one thousand eight hundred and eighty-two, reversed and set aside the said action of said board of assessors, and ordered that the valuation of the real and personal property liable to taxation in said township of New Barbadoes, should be fixed at the sum of one million three hundred and eighty thousand nine hundred and ninety dollars, and that the valuation of the real and personal property liable to taxation in said township of Englewood should be fixed at the sum of two million two hundred and sixty-one thousand two hundred and seventy-five dollars; therefore,

Lawful to file amended abstract of ratables.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the comptroller of the state to receive and file in his office a new or amended abstract of ratables for said county of Bergen, which shall conform with the said order of the said supreme court, which amended abstract of ratables shall be treated and considered in all respects by the said comptroller as if the same had been made and filed as now provided by law, and shall stand in the place and stead of the abstract of ratables for said county of Bergen, now on file in said comptroller's office.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 21, 1883.

CHAPTER XCIV.

An Act relative to the management of the moneys of the school fund.

Trustees not to invest moneys of fund on bond and mortgage, except in certain cases.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this act, it shall not be lawful for the trustees of the school fund to invest any part of the principal or interest of said fund in bonds, secured by mortgage, on lands in this state, except in such cases as hereinafter provided.

Real estate to be sold.

2. *And be it enacted*, That all real estate now held by the trustees of the school fund shall be sold, either at private or public sale, at such times and for such prices as will in their judgment be for the best interests of the state; and the said trustees are hereby authorized to loan to the purchasers of said property, or other properties which may come into their possession by foreclosure, one-half the amount of purchase money, the same to be secured by bond and mortgage on the premises so purchased, and that they shall be empowered to advertise such properties, either at private or public sale, in such manner as to them seems judicious; and the proceeds arising from such sales shall be paid into the fund and be invested by the trustees as provided for by existing laws.

May loan purchasers one-half of purchase money.

Proceeds, how invested.

Real estate acquired under foreclosure to be sold.

3. *And be it enacted*, That in case the trustees of the school fund shall further acquire real estate under foreclosure proceedings, that the same shall be disposed of at public or private sale, in the manner provided by section two of this act, and the proceeds arising from such sales shall be invested as hereinbefore directed.

Foreclosure proceedings to be commenced where interest is due.

4. *And be it enacted*, That the trustees are hereby directed and required to cause foreclosure proceedings to be commenced and prosecuted without delay, in all cases where the interest on bonds, secured by mortgages, is or may become due and remain unpaid for the space of six months; *provided*, that in case foreclosure proceedings shall have been commenced, the said trustees may, in their discretion, dis-

Proviso.

continue the same upon the payment of accrued interest and the costs of such proceedings.

5. *And be it enacted*, That all acts or parts of acts inconsistent herewith, be and the same are hereby repealed. Repealer.

6. *And be it enacted*, That this act shall take effect immediately.

Passed March 22, 1883.

CHAPTER XCV.

An Act authorizing the refunding of a state assessment.

WHEREAS, By the requirements of the supplement to the act relative to insurance companies, approved March nineteenth, one thousand eight hundred and seventy-four, the franchise granted by the act incorporating the Safety Fund Insurance Company, approved March twenty-second, one thousand eight hundred and seventy-two, with the supplement to said act, approved April third, one thousand eight hundred and seventy-three, was rendered inoperative; therefore, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the amount paid into the state treasury as the state assessment on the act to incorporate the Safety Fund Insurance Company, and on the supplement to said act, with the interest thereon, be refunded; and the treasurer is authorized and directed to pay the same, on the warrant of the comptroller, to the person from whom said assessments were received. Assessment refunded.

2. *And be it enacted*, That this act shall take effect immediately.

Passed March 22, 1883.

CHAPTER XCVI.

An Act prohibiting the sale of cigarettes or tobacco in any of its forms to minors.

Cigarette or tobacco not to be sold to minor under sixteen years.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter no person or persons in this state shall knowingly sell any cigarette or cigarettes, or tobacco in any of its forms, to any minor under the age of sixteen years.

Penalty for violating act.

2. *And be it enacted*, That if any person or persons in this state shall violate the provisions of this act, he, she or they shall be liable to a penalty of twenty dollars for each and every such offense; such penalty to be sued for by and in the name of the parent or guardian of such minor, in any court of competent jurisdiction in this state, such penalty to go to the county collector for the use of the county wherein the violation of this act occurs.

Approved March 22, 1883.

CHAPTER XCVII.

A Supplement to an act entitled "An act to regulate the sale of petroleum and its products," approved March thirty-first, one thousand eight hundred and eighty-two.

Section amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of the act to which this is a supplement, be amended so as to read as follows:

Petroleum, &c., may be sold under certain restrictions.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter, petroleum, or any of the products thereof, may only be sold for use within this

state under the following regulations and restrictions, namely, (*a*) benzole, gasoline, naphtha and benzine must be sold under their true names respectively, and such names must be plainly shown upon the barrel, can, or vessel in which the same are sold, or offered or exposed for sale, respectively, or upon a label securely fastened thereto; (*b*) petroleum or kerosene which will flash at a less temperature than one hundred degrees Fahrenheit, flash test, must have plainly designated upon the barrel, can, or vessel in which the same is sold, or offered or exposed for sale, or on a label securely fastened thereto, the number of degrees Fahrenheit, flash test, below which the same will not flash; (*c*) only such product of petroleum as will not flash at a less temperature or flash test than one hundred degrees Fahrenheit, may be sold for lighting or illuminating purposes, except where the same is to be used in street lamps or open-air receptacles, or in gas machines, in which case (as to petroleum or kerosene) there shall be plainly marked on the barrel, can, or vessel in which the same is sold, or offered or exposed for sale, or on a label securely fastened thereto, the words, "not for inside light;" *provided*, that this act shall not apply to petroleum or its products sold in tanks used for transportation. Proviso.

2. *And be it enacted*, That section three of the act to which this is a supplement, shall be amended so as to read as follows: Section amended.

3. *And be it enacted*, That the state board of health of this state shall determine and declare what shall be the means of ascertaining whether or not petroleum or kerosene to be sold for lighting or illuminating purposes is of the character required by this act, and shall notify each local board of health of the same, and publish notices thereof in at least one leading newspaper in each county of the state, and distribute circulars as to the same for common information. State board of health to determine whether kerosene is of the character required by act.

3. *And be it enacted*, That all other acts or parts of acts inconsistent herewith, be and the same are hereby repealed. Repealer.

Approved March 22, 1883.

H

CHAPTER XCVIII.

A Supplement to an act entitled "An act to incorporate trustees of religious societies" [Revision], approved April ninth, one thousand eight hundred and seventy-five. (Title, Protestant Episcopal.)

Parish may fill vacancy in office of warden or vestryman.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That it shall be lawful for any parish in this state in which a vacancy or vacancies may occur in the office of warden or vestrymen, by death, removal, resignation or other cause, to fill such vacancy or vacancies by an election to be held for that purpose, after ten days' notice of such election; which election shall be held at the place appointed for holding the annual parish elections, and shall be for the unexpired term only.

Repealer.

2. *And be it enacted,* That all acts and parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed, and that this act shall take effect immediately.

Approved March 22, 1883.

CHAPTER XCIX.

A Further Supplement to an act entitled "An act to regulate the state library," approved March twenty-ninth, one thousand eight hundred and seventy-eight.

Annual appropriation.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That the sum of fifteen hundred dollars shall be the annual appropriation for the improvement and increase of the state library; the said sum to be drawn from the treasury of the state by the commissioners

of the state library, and expended under their direction in the repair, preservation and purchase of useful books. How expended.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 22, 1883.

CHAPTER C.

An Act to authorize churches and other religious societies to change the time of holding their annual meeting.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for any church or other religious society heretofore incorporated by special act of the legislature of this state, at any annual meeting, to designate, by the majority of the members present duly qualified to vote, the time and place at which they will hold their annual meeting thereafter, any special act or law to the contrary notwithstanding. May change time and place of annual meeting.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 22, 1883.

CHAPTER CI.

An Act to authorize and empower the trustees of any Methodist Episcopal church to whom, as such trustees, any conveyance of lands and real estate has been made, to convey the same to the church of which they are trustees, by its corporate name.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases where the conveyance of any lands and real estate has been made to the trustees of any Methodist Episcopal church, as trustees of Trustees authorized to convey lands and real estate to church by its corporate name.

said church, said trustees and their successors in office are hereby authorized and empowered to convey the same to the particular church of which they are trustees, by its corporate name; and said conveyance shall vest in said church as good, effectual and valid title as if the conveyance to said trustees had been to such church in its corporate name.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 22, 1883.

CHAPTER CII.

An Act to provide for deficiencies created by loss of public funds borrowed or raised for the payment of costs and expenses incurred in constructing sewers and making other improvements in townships and villages.

May issue bonds and provide for payment of same by taxation.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any board of commissioners or improvement commission in any township or village of this state, whose moneys, borrowed or raised for the payment of the costs and expenses incurred in constructing sewers or making other improvements, have been lost by the failure of any bank, whereby the payment of the debts for which said money was borrowed or raised is or may be delayed or prevented, to provide for the payment of such indebtedness, and the costs and expenses incurred by said commissioners or improvement commission by reason of any litigation to determine their liability to pay said indebtedness, and the expense of issuing the bonds hereby authorized, by taxation sufficient to supply such deficiency and costs and expense, or by borrowing money sufficient to discharge such indebtedness, costs and expenses, and for that purpose to issue bonds in the manner and subject to the restrictions provided by the acts under which said money so lost was borrowed or raised, and to provide for the payment of the said bonds, to be issued under this act, by taxation; *provided*, that the moneys collected or borrowed under this

Proviso.

act shall be applied only for the purpose for which the same are received as aforesaid.

2. *And be it enacted*, That this act shall be deemed a public act and shall take effect immediately.

Approved March 22, 1883.

CHAPTER CIII.

A Supplement to an act entitled "A further act concerning taxes, making the same a first lien on real estate, and to authorize sales for the payment of the same," approved March fourteenth, one thousand eight hundred and seventy-nine.

Owner may redeem lands sold for unpaid taxes.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the owner or owners, mortgagee or other person having a legal or equitable interest in any lands sold for unpaid taxes and purchased by the township, shall have the right to redeem the same at any time while such tax title is held by the township (even though the redemption period of two years, in section nine of the act to which this is a supplement, shall have expired), by paying to such township the sum of money mentioned in the certificate of sale to said township, and interest, costs, taxes, and charges thereon, and all subsequent taxes assessed thereon, together with interest and lawful costs, fees and charges, and that, upon receiving such payment, the township shall surrender said premises to the person so redeeming, his heirs or assigns; *provided, however*, that in case the township shall have leased or rented the said land and real estate, or any part thereof, the tenant in possession under said township shall hold for and during his term, or until the first day of May next ensuing such redemption, except that such tenant shall pay all rents thereafter accruing to the person so redeeming.

Proviso.

Repealer.

3. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed, and that this act shall take effect immediately.

Approved March 22, 1883.

CHAPTER CIV.

Supplement to an act entitled "An act to establish a state board of health," approved March ninth, one thousand eight hundred and seventy-seven, and to supplements thereto relating to the contagious diseases of animals.

Not lawful to add to number of animals in quarantine without consent of state board.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That when any animal, or herd of animals, is held in quarantine under authority given by the laws of this state to the state board of health, it shall not be lawful for the owner or keeper thereof to add any animals to such herd, by purchase or otherwise, without the written consent of said board, under penalty of being adjudged guilty of a misdemeanor and fined therefor to an amount not exceeding one hundred dollars.

How dead animals may be disposed of in certain cases.

2. *And be it enacted*, That when, by reason of the locality of an infected animal or herd within a city, or by reason of frozen ground or extreme heat, it is, in the judgment of the state board of health, or those acting under its authority, inexpedient or impossible to bury said dead or slaughtered animals on the premises, the board may authorize any veterinarian acting for said board to slash the skin and cut the flesh of the same, and either under his direct oversight, or that of a city board of health, or contractor for the disposal of dead carcasses, to give over the same to the use of a bone-boiling, or glue, or other establishment for the disposal of dead animals, but in no case shall the same, or any part thereof, be disposed of for food, and any such disposal of the same shall make the party or parties concerned guilty of a misdemeanor and punishable by a fine not to exceed one hundred dollars, or imprisonment in the county jail for a period not exceeding six months.

Penalty for disposing of same for food.

Expense, how paid.

3. *And be it enacted*, That in the case of any animals heretofore killed by order of the board of health, or by any veterinarian acting therefor, which are duly authenticated and proved to the comptroller of this state as having been

given over to the proper person or persons for disposal only in the way herein specified and allowed, the comptroller, on the presentation of the proper vouchers therefor, is hereby authorized to audit the same, and, with the approval of the governor, present the same to the treasurer for disbursement.

Post mortem of animal may be made between certain times.

4. *And be it enacted*, That if, between the first day of October and the first day of May of any year, a veterinarian who has been regularly graduated in veterinary medicine, desires to make a post mortem of any animal he has attended, or at the request of the owner of any animal that has died within the city limits, he may so do, if said examination is made within twenty hours of the death or slaughter of said animal, but in this case he shall notify the city scavenger, or remover of carcasses of animals, of the hour of his examination, and said scavenger shall arrange to remove the carcass in not more than three hours after the beginning of said examination.

Approved March 22, 1883.

CHAPTER CV.

Supplement to an act entitled "An act relating to local boards of health," approved March twenty-second, one thousand eight hundred and eighty-one.

Boards of health formed under certain acts to be the only authorities in matters relating to public health.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where local boards of health, as existing in any township outside of city limits, have been formed and exercise powers under an act entitled "An act concerning the protection of the public health and the record of vital facts and statistics relating thereto," approved March eleventh, one thousand eight hundred and eighty, or a supplement thereto entitled "A supplement to an act concerning the protection of the public health and the record of vital facts and statistics relating thereto," approved March thirty-first, one thousand eight hundred and eighty-two, or "An act relating to local boards of health," approved March

twenty-second, one thousand eight hundred and eighty-one, said board shall be the only township board or authorities having powers relating to public health as defined in said acts.

Power to abate nuisances not to depend upon the exercise of privilege to pass ordinances, &c.

2. *And be it enacted*, That in any city, town, borough or township board of health, constituted and exercising authority under these acts, the power to abate nuisances, sources of foulness or cause of sickness hazardous to the public health, shall not depend upon whether said board shall have exercised their power or privilege to pass, alter, amend or publish ordinances in relation to the public health.

Where township has no physician, state board may appoint.

3. *And be it enacted*, That where any township has no township physician, the state board of health may name some graduated physician of the same township, or, if there be none in the township, may name one of an adjacent township, who may be appointed for not more than three years, and who shall serve as a member of the board of health of such township; but if any such township come to have a township physician, said appointment shall be revoked by the state board of health.

Boards of health vested with powers conferred by certain acts.

4. *And be it enacted*, That every board of health now organized or to be hereafter organized in the cities of this state according to the provisions of the act entitled "An act relating to local boards of health," approved April twenty-second, one thousand eight hundred and eighty-one, under authority of any ordinances of such cities, shall be fully vested with all the rights and powers conferred by said act, and by the act entitled "A supplement to an act entitled 'An act concerning the protection of the public health and the record of vital statistics relating thereto,' approved March eleventh, one thousand eight hundred and eighty," which supplement was approved March thirty-first, one thousand eight hundred and eighty-two, notwithstanding the charters of such cities, or of any of them, may provide for the exercise of the aforesaid rights and powers, or of any of them, by the board of aldermen or common council of such city, or by a committee thereof.

Notice to abate nuisance.

5. *And be it enacted*, That a notice by any inspector of any local board of health to abate a nuisance, or by the executive officer or other authorized member of said board, shall be taken as a notice of the board, but if the owner or person concerned fail to abate the nuisance, the board of

health, or a majority of its members, or of any committee thereof, shall view the nuisance before proceeding to abate it, and give such written directions to the inspector in reference thereto as they deem advisable under the law, and he or they shall proceed in accord therewith to abate said nuisance.

Authorized to specify any contagious diseases, &c.

6. *And be it enacted*, That any county, city or township board of health shall have the authority to specify any contagious disease, or diseases in cases of death from which no public funeral shall be had, and to prohibit the same, under penalty of fifty dollars, or in case of the threatening or prevalence of an epidemic to make prohibition of the same as to the particular disease or diseases then prevalent, and any township board of health shall have the same power whenever the attending physician in writing advises the exercise thereof, or whenever any two physicians of the same county certify that they believe the interests of the public health require such restriction.

May determine when necessary to notify board of the existence of contagious disease.

7. *And be it enacted*, That any board of health, constituted under the act to which this is a supplement, or the acts referred to in section one of this act, may determine whether or when it is necessary for all physicians, or other persons in attendance on the sick, to notify said board of the existence of any contagious or infectious disease, and of which of said diseases it is necessary for the board to have this notification; but where such notification is required, the local board of health shall enter in a book, subject only to the inspection of said board, the name of the physician making such notification, and the date of the notice, the name and precise locality of the disease, and at the close of each six months said physician shall be entitled to receive, on the certificate of said board, from the usual disbursing officer of said city or township, the amount of twenty-five cents for each and every notification, unless said notification has been found to have been erroneous.

Act not to apply to city or township without consent of county board.

8. *And be it enacted*, That in any county having a county board of health, this act shall not apply to any city or township of said county, without the consent or approval of the county board of health, nor to any city that has not organized or does not organize a board of health under "An act relating to local boards of health," approved March twenty-second, one thousand eight hundred and eighty-one, or the

other acts referred to in section one of this supplement thereto; and in case any city has or does by the vote or ordinance of its common council or other governing board, approved by the mayor, form a board under these acts, said vote or ordinance shall, as a part of the power of said city under its charter, cause said board of health and its successors to become the board of health of said city, town or borough, as referred to or provided for in said charter.

May cause nuisance to be abated.

9. *And be it enacted*, That whenever any board of health now organized, or which may be hereafter organized under laws of this state, as referred to in section one of this supplement to an act entitled "An act relating to local boards of health," approved March twenty-second, one thousand eight hundred and eighty-one, shall be notified that a nuisance or other source of foulness, hazardous to the public health, exists within the territory within which the board of health has jurisdiction or control, such board may examine the matter in a summary way and order and cause the same to be abated in the manner herein or heretofore provided by law.

May apply for injunction to prohibit nuisance.

10. *And be it enacted*, That any such board of health, instead of proceeding in a summary way to abate a nuisance or such source of foulness, may file a bill in the court of chancery, in the name of the state, on the relation of such board of health, for an injunction to prohibit the continuance of such nuisance or source of foulness, and such action shall proceed in the court of chancery according to the rules and practice in such cases on the relation of individuals, and cases of emergency shall have precedence of other litigation pending at the time in the court of chancery, and may be heard upon final hearing on such notice as the chancellor shall direct.

Court empowered to grant injunction.

11. *And be it enacted*, That in all cases in which it shall be ascertained by the court of chancery in such suits that a nuisance or source of foulness existed at the time of filing such bill, substantially as set forth in the same, the court shall have power to abate the same by injunction or otherwise, according to the practice of the court, and may charge the costs of such suit upon the property whereon such nuisance or source of foulness is found, and enforce the same by sale of the said property on writ of *fieri facias*, or so much thereof as shall be necessary for that purpose, or the

Costs, how paid.

said court may order the person or corporation which caused said nuisance or source of foulness, or allowed the same to continue, to pay such costs, and enforce obedience to such order.

Costs not to be awarded against board where nuisance does not exist.

12. *And be it enacted*, That in case no nuisance or other source of foulness, hazardous to the public health, shall be found to exist, costs shall not be awarded as of course against the board of health which caused such suit to be brought, but only in case it shall appear to the chancellor that no probable cause existed for bringing such suit.

13. *And be it enacted*, That this act shall take effect immediately.

Approved March 22, 1883.

CHAPTER CVI.

An Act to amend an act entitled "An act to authorize the incorporation of rural cemetery associations and regulate cemeteries" [Revision], approved April ninth, one thousand eight hundred and seventy-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section numbered four of said act, be and the same is hereby amended to read as follows:

Association may hold land not exceeding seventy-five acres.

4. *And be it enacted*, That any association incorporated under this act, or under any special act, may take by purchase or devise, and hold within the county in which the certificate of their incorporation is recorded, not exceeding seventy-five acres of land, and not exceeding in taxable value seventy-five thousand dollars, to be held and occupied exclusively for a cemetery for the burial of the dead; such land or such parts thereof as may from time to time be required for that purpose, shall be surveyed and subdivided into lots or plots of such size as the trustees may direct, with such avenues, paths, alleys, and walks as the trustees deem proper, and a map or maps of such surveys shall be filed

and kept in the office of the association, open to the inspection of the lot owners; the trustees may sell and convey the lots or plots, and parts of lots or plots, designated on such maps, upon such terms as shall be agreed, and subject to such conditions and restrictions as may be imposed upon the use of such lots or plots by rules or regulations now adopted or hereafter to be adopted by the trustees of such association; the conveyances to be executed under the common seal of the association, and signed by the president or vice-president and the treasurer of the association; any association incorporated under this act may hold personal property to an amount not exceeding five thousand dollars, besides what may arise from the sale of lots or plots; *provided*, that any portion of the property of any such company not actually set apart and used for burial purposes, shall be subject to taxation until the same has been so set apart and used for actual purposes of burial, excepting roads and walks actually graded and in use.

Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 22, 1883.

CHAPTER CVII.

A Supplement to "An act regulating proceedings in criminal cases" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

Costs to be taxed by clerk of court in which judgment is had, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all bills of costs in criminal cases shall be taxed by the clerk of the court in which the judgment is had, and in case the defendant shall be sentenced by the court to hard labor and imprisonment under the laws of this state in the state prison, it shall be the duty of such clerk to furnish a certified copy of the taxed bill of costs in such case to the sheriff of the county, within five days after the sentence shall have been pronounced; and within ten

days after receiving such copy every such person so sentenced shall be transported by the said sheriff, or by his lawful deputy, to the state prison, together with all other persons so sentenced by the court or courts of the county within the same period; *provided*, that at least forty-eight hours, exclusive of Sundays and other legal holidays, shall have elapsed between the time of his sentence and removal as aforesaid. Proviso.

Approved March 22, 1883.

CHAPTER CVIII.

A Supplement to an act entitled "An act to regulate the practice of medicine and surgery," approved March twelfth, one thousand eight hundred and eighty, and the supplement thereto approved March second, one thousand eight hundred and eighty-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section two of said supplement, approved March second, one thousand eight hundred and eighty-one, be and the same is hereby amended so that the same shall read as follows: Section amended.

2. *And be it enacted*, That any person who shall commence or continue to practice medicine or surgery without conforming to the requirements of the first section of this act, shall be deemed guilty of a misdemeanor, and on conviction shall be punished by a fine of twenty-five dollars, or imprisonment in the county jail not exceeding six months, or both, at the discretion of the court, for each prescription made, operation performed, or professional service rendered; *provided*, that any person who shall have had twenty years' experience in the practice of medicine or surgery in one locality, and shall file with the clerk of the county in which he resides an affidavit setting forth the fact of such experience and length of practice, shall be exempt from the requirements contained in section first of the act entitled "An act to regulate the practice of Penalty for practicing without conforming to requirements of act

Proviso.

medicine and surgery," approved March twelfth, one thousand eight hundred and eighty.

County clerks to furnish state board of health with list of physicians.

2. *And be it enacted*, That in order to secure to the state board of health a full record of all physicians and surgeons who under the laws of this state are required to give certificates of death, it shall be the duty of the county clerk of each county of the state to furnish to the state board of health a list of the names of all physicians and surgeons who have deposited with him copies of their diplomas, together with the date of their respective diplomas, and the name and place of the institution purporting to confer such diploma, and each county clerk shall yearly furnish to the state board of health a similar list of those physicians and surgeons hereafter depositing diplomas with him, and shall include in such list also the names of those physicians and surgeons filing affidavits with him, as mentioned in the second section of this act; and each county clerk shall keep in a suitable book an index of the names of all physicians and surgeons depositing diplomas or filing affidavits in pursuance of this act or the acts to which this is a supplement; and for every name indexed and furnished to the state board of health as hereinbefore provided, the county clerk so indexing and furnishing such name, shall be entitled to receive from the state board of health, through its secretary, the sum of six cents.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 22, 1883.

CHAPTER CIX.

Supplement to "An act respecting conveyances" [Revision], approved March twenty-seventh, anno domini eighteen hundred and seventy-four.

Acknowledgments declared valid.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all acknowledgments and proofs of deeds, mortgages and other writings, and certifi-

cates thereof, heretofore taken or made before or by a commissioner of deeds in and for this state, whose term of office had expired at the time of taking such acknowledgments or proof and making the certificate thereof, and the records of such deeds, mortgages, and other writings, are hereby confirmed, and made valid, and legal and effectual to the extent that the same would have been valid, legal and effectual if the term of office of the commissioner taking such acknowledgment or proof had not expired.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 22, 1883.

CHAPTER CX.

A Supplement to an act entitled "An act for the preservation of fish," approved April fifth, one thousand eight hundred and seventy-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section three of the act to which this is a supplement shall be amended so as to read as follows:

3. *And be it enacted*, That it shall not be lawful for any person or persons to set any net or seine of any description across any channel, thoroughfare, inlet, creek or any other waters of this state, for the purpose of taking or catching of fish, at any time during the year, except between the first day of November and the first day of March in each and every year.

Not lawful to catch fish with net or seine between certain times.

2. *And be it enacted*, That from and after the passage of this act it shall not be lawful to use any net or seine of any description for the purpose of taking or catching of fish in the waters of the Mullica river, or its tributaries, above a line drawn due west from Deep Point, in the township of Little Egg Harbor, in the county of Burlington, across the

Not lawful to catch fish with net or seine in certain localities between certain times.

New Jersey State Library

river to the township of Galloway, in the county of Atlantic, and below the bridges at Port Republic, over Nacot creek, at Green Bank, over the Mullica river, at Bridgeport, over the Wading river, and at New Gretna, over Bass river, except between the first day of November and the first day of April in each and every year; *provided*, that nothing in this act shall be so construed as to prevent the catching of moss bunkers as now provided by law.

Proviso.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 22, 1883.

CHAPTER CXI.

A Supplement to an act entitled "An act for the formation of borough commissions," which act was approved March seventh, one thousand eight hundred and eighty-two.

Provisions of act to apply to certain sidewalks.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of the act to which this is a supplement, relating to or regulating the grading and otherwise improving or repairing of sidewalks and the removing of obstructions therefrom, and the fixing and determining the width, grade and construction of the same, shall apply to all sidewalks in front of all unimproved lots within three hundred feet of any improved property; *provided*, that where a grade for a sidewalk has already been established, any change made therein by order of the commission shall be at the expense of the borough.

Proviso.

Repealer.

2. *And be it enacted*, That all acts or parts of acts inconsistent with this act, be and the same are hereby repealed.

3. *And be it enacted*, That this act shall be deemed and taken to be a public act, and shall take effect immediately.

Approved March 22, 1883.

CHAPTER CXII.

A Supplement to the act entitled "An act to authorize certain townships of this state to issue bonds," passed March twenty-first, eighteen hundred and eighty-one.

Township committee may create sinking fund.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases where new bonds have been or shall be issued by any township mentioned or included in the provisions of the said act, for the purposes therein stated, it shall be lawful for the township committee of said township, by resolution, to create and establish a sinking fund for the payment and redemption of the said bonds; and to appoint, and remove at pleasure, five or more respectable freeholders of said township to act as the commissioners of the said fund, and to require freehold security to be given by them in such sum as to said committee may seem expedient for the honest and faithful discharge of their duty as such commissioners, and to fill any vacancy or vacancies which may occur in the number of the said commissioners; and to cause such sum or sums of money to be annually assessed, levied and collected in the said township in the same manner as state and county taxes are or may be assessed, levied and collected therein, as may, in the opinion of the said committee, from time to time be required for an annual instalment or instalments to the said sinking fund, and that the moneys so raised shall be paid as soon as collected unto the said commissioners, and invested by them under the direction of the said committee and in the corporate name of the township; the said commissioners shall report annually, under their hands, of the manner in which the said moneys shall have been invested by them, and of the true condition of the said fund, and that said report, after having been found by the township committee to be correct, shall be published in any newspaper or newspapers printed and circulating in said township; and that no security belonging to the said fund shall be sold, assigned or transferred without the order

of the said committee, attested by the signatures of the chairman thereof, and the township clerk; and that the compensation of said commissioners shall be determined by said committee.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 22, 1883.

CHAPTER CXIII.

An Act for the support of the state reform school for boys.

Appropriation.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sum of seven thousand dollars be and the same is hereby appropriated for the completion and furnishing of the new family building of the reform school for boys.

Appropriation.

2. *And be it enacted*, That the sum of two thousand dollars be and the same is hereby appropriated for the erection of a store-house for grain and potatoes.

Authorized to pay appropriations.

3. *And be it enacted*, That the treasurer of this state be and is hereby directed to pay the trustees of the school the aforesaid sums upon the warrant of the comptroller.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 22, 1883.

CHAPTER CXIV.

An Act to authorize the appointment of commissioners to the Southern Exposition.

Preamble.

WHEREAS, It is announced that an exposition will be held at Louisville, Kentucky, beginning August first, one

thousand eight hundred and eighty-three, and to continue one hundred days, to be called the "Southern Exposition," meaning thereby an exposition of the agricultural, manufacturing, and other products of the southern and other states; therefore,

Governor authorized to appoint commissioners.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the governor is hereby authorized, with the advice and consent of the senate, to appoint one or more commissioners, residents of this state, who shall attend said Southern Exposition not less than ten days during said period of one hundred days, who shall report such results of their observations as may be of interest to our farmers, manufacturers, mechanics and others, at the next session of the legislature.

Not to receive any compensation.

2. *And be it enacted*, That the said commissioners shall not receive any compensation for their services.

Appropriation to pay expenses.

3. *And be it enacted*, That to pay the necessary expenses, such as traveling, *et cetera*, attending and consequent upon the discharge of their duties, there be hereby appropriated the sum of five hundred dollars, to be paid by the treasurer of the state upon the warrant of the comptroller.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 22, 1883.

CHAPTER CXV.

A Supplement to the act entitled "An act respecting the orphans' court, and relating to the powers and duties of the ordinary and the orphans' court and surrogates," approved March twenty-seventh, anno domini one thousand eight hundred and seventy-four.

Fees of surrogates for auditing accounts.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter the fees of surrogates for auditing and reporting the accounts of executors, administrators, guardians, trustees and assignees, shall be as

follows, namely: on estates not exceeding ten thousand dollars, fifteen dollars; over ten thousand dollars and not exceeding fifty thousand dollars, thirty dollars; on estates exceeding fifty thousand dollars, such fees as the court shall think reasonable.

Repealer.

2. *And be it enacted*, That all acts or parts of acts inconsistent herewith are hereby repealed, and that this act shall take effect immediately.

Approved March 22, 1883.

CHAPTER CXVI.

A Supplement to an act entitled "An act concerning savings banks," approved April twenty-first, one thousand eight hundred and seventy-six.

Section amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section twenty-seven of the act to which this is a supplement, be and the same is hereby amended so that the same shall read as follows:

Duty of managers.

27. *And be it enacted*, That it shall be the duty of the managers of any such corporation, as soon as practicable, to invest the moneys deposited with them in the securities named in the twenty-sixth section of this act, except that, for the purpose of meeting current payments and expenses in excess of the receipts, there may be kept an available fund of not exceeding ten per centum of the whole amount of deposits with such corporation; and the same may be kept on hand, or on deposit in any bank or banking association in this state, organized under any law or laws of this state or of the United States; or the same may be deposited on call, at interest, in such solvent trust company or safe deposit company incorporated under and by virtue of the laws of this state or of the state of New York or Pennsylvania, as a majority of the managers of such bank or institution for savings may direct, by resolution adopted at a regular or special meeting, and duly recorded on their minutes; or such

available fund, or any part thereof may be loaned upon pledge of the securities, or any of them, named in subdivisions one, two, three and four of section twenty-six of this act, but not in excess of seventy-five per centum of the cash market value of such securities so pledged, nor in excess of the par value thereof; and should any of the securities, so held in pledge, depreciate in value, after making any loan thereon, it shall be the duty of the managers to require the immediate payment of such loan, or of a part thereof, or additional security therefor, so that the amount loaned shall at no time exceed seventy-five per centum of the market value of the securities pledged for the same.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 22, 1883.

CHAPTER CXVII.

Supplement to an act exempting firemen from taxation, approved March twenty-fourth, one thousand eight hundred and eighty-one.

Section amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the first section of the act to which this is amendatory, be and the same is hereby amended so as to read as follows:

Active members of volunteer fire department exempt from taxation in the sum of five dollars.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all active members of any organized volunteer fire department of any town, city, borough or township of this state, under the control of any town committee, common council, or municipal corporation, which is now, or may hereafter be established, shall be exempt from the payment of any taxes to said town, township, city and borough, to the extent and in the manner following, to wit: if the sum at any one time assessed by any assessor upon any active member of said fire department shall not exceed the sum of five dollars, then such member

shall be exempt from the payment of taxes upon such assessment; if the sum at any time exceeds the sum of five dollars assessed against such member, then such member shall have credit for the sum of five dollars on the amount assessed against such member, and the amount over and above said five dollars shall be paid by said member, or collected in the same way and manner as directed for the collection of taxes.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 22, 1883.

CHAPTER CXVIII.

An Act to defray the incidental expenses of the New Jersey legislature for the session of one thousand eight hundred and eighty-two.

Treasurer authorized to pay certain amounts.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the treasurer of the state of New Jersey to pay, upon the warrant of the comptroller, to the several persons hereinafter named, the following amounts, viz.:

Item No. 1. To A. H. Rickey, for furnishing parchment and preparing oath of members and officers of the senate and general assembly, fifty dollars. $50 00

Item No. 2. To Alpaugh & Thompson, for stationery furnished the clerk of the house of assembly, one hundred and fifty-three dollars and eighty-four cents. $153 84

Item No. 3. To Naar, Day & Naar, for stationery, *et ceteras*, furnished engrossing clerk of house of assembly, one hundred and forty-five dollars and ninety-eight cents. $145 98

Item No. 4. To Alpaugh & Thompson, for printed receipt books, *et ceteras*, furnished clerk of house of assembly, fifty-seven dollars and forty-one cents. $57 41

Item No. 5. To A. Winkler, for music furnished committee on celebration of Washington's birthday, forty-two dollars. $42 00

Item No. 6. To the Jordan Stationery Company, for bill files furnished the house of assembly, three hundred and fifteen dollars. $315 00

Item No. 7. To Ingalls & Company, for stationery, *et cetera*, furnished speaker of house of assembly, eighty-seven dollars and forty cents. $87 40

Item No. 8. To Naar, Day & Naar, for stationery, *et cetera*, furnished sergeant-at-arms of house of assembly, fifty dollars and seventy-three cents. $50 73

Item No. 9. To E. Wells Sackett & Rouen, for calendars furnished sergeant-at-arms of the house of assembly, ten dollars. $10 00

Item No. 10. To Naar, Day & Naar, for printing, *et cetera*, furnished committee on celebration of Washington's birthday, eighteen dollars. $18 00

Item No. 11. To Thomas F. Fitzgerald, for services rendered as clerk of the committee on municipal corporations of the house of assembly, three hundred dollars. $300 00

Item No. 12. To William S. Potter, for services rendered as clerk to the judiciary committee of the house of assembly, three hundred dollars. $300 00

Item No. 13. To Terence J. McDonald, for services rendered as clerk to the committee on engrossed bills of the house of assembly, five hundred dollars. $500 00

Item No. 14. To Peter J. Babcock, for services rendered as bill clerk of house of assembly, three hundred and fifty dollars. $350 00

Item No. 15. To John B. Dusenberry, for services rendered as assistant engrossing clerk of house of assembly, five hundred dollars. $500 00

Item No. 16. To Fitzgerald & Gosson, for three hundred and twelve copies of the legislative manual, one thousand eight hundred and eighty-two, furnished the senate and house of assembly, three hundred and twelve dollars. $312 00

Item No. 17. To the Jordan Stationery Company, for stationery, *et cetera*, furnished committee on stationery, house of assembly, five hundred and ten dollars and thirty cents. $510 30

Item No. 18. To Callahan & Gartlan, for stationery, *et cetera*, furnished sergeant-at-arms of the house of assembly, one hundred and fifty-six dollars and twenty-five cents. $156 25

Item No. 19. To George D. Bower, Frank Huber, Frank Wanser, George Forman, Frank Garwood, John Clark, Harry Herr, David Conklin, Edward W. Ryan, William Pancoast, William Waldron, August Bergman, ——— Mulford, for services as pages and doorkeepers in opening house of assembly, session of one thousand eight hundred and eighty-two, ten dollars each, one hundred and thirty dollars. $130 00

Item No. 20. To Naar, Day & Naar, for one student lamp, minute books, *et cetera*, for stationery committee, house of assembly, fourteen dollars and seventy-five cents. $14 75

Item No. 21. To Lawrence Farrell, for repairing furniture for house of assembly, ten dollars and seventy-five cents. $10 75

Item No. 22. To Delaware Coal and Ice Company, for ice for senate and assembly, six dollars. $6 00

Item No. 23. To James Jamison, for cleaning spittoons, sixty dollars. $60 00

Item No. 24. To James Burns, for services rendered as assistant doorkeeper, house of assembly, three hundred dollars. $300 00

Item No. 25. To Geo. S. Smith, for services rendered as assistant doorkeeper, house of assembly, three hundred dollars. $300 00

Item No. 26. To J. H. Petermann, for musical services rendered on occasion of presentation of Yorktown vase and governor's reception, seventy-five dollars. $75 00

Item No. 27. To John L. Murphy, for calendars, minute books, *et cetera*, furnished clerk of the house of assembly, one hundred and twenty dollars. $120 00

Item No. 28. To Naar, Day & Naar, for self-inking stamp for speaker of house of assembly, eight dollars. $8 00

Item No. 29. To Ingalls & Company, for duplex clips for stationery committee, house of assembly, seventy-four dollars and seventeen cents. $74 17

Item No. 30. To C. J. Donovan, for express-age on stationery, letter files, and other incidental expenses for house of assembly, twenty-six dollars and sixty-five cents. $26 65

Item No. 31. To Naar, Day & Naar, for stationery for clerk of house of assembly, one dollar. $1 00

Item No. 32. To John L. Murphy, for one student's lamp and shades, for reading clerk, house of assembly, fifteen dollars and forty cents. $15 40

Item No. 33. To J. C. Thomas, for oil furnished for lamp for engrossing clerk and reading clerk, mail basket for sergeant-at-arms, *et cetera*, four dollars and forty cents. $4 40

Item No. 34. To C. J. Donovan, for expenses and services in serving subpœnas and services to the committee appointed to investigate charges in governor's veto of assembly bill number sixty-nine, forty-five dollars. $45 00

Item No. 35. To the clergy for services in opening the session of the legislature of the year eighteen hundred and eighty-two, with prayer, ten dollars each.

Item No. 36. To John Mackelheny, for services rendered in attending fires in the senate and assembly chambers and the president's and speaker's rooms, and ventilating the same, during the session of one thousand eight hundred and eighty-two, one hundred dollars $100 00

Item No. 37. To Ellen Meley, for cleaning senate and assembly chambers and committee rooms, during the session of one thousand eight hundred and eighty-two, two hundred dollars. $200 00

Item No. 38. To David Campbell, for services in attending electrical gas machine in senate chamber and house of assembly, one hundred dollars. $100 00

Item No. 39. To Naar, Day & Naar, for printing furnished committee on presentation of Yorktown vase, four dollars and fifty cents. $4 50

Item No. 40. To J. Banks Reford, for extra services rendered as assistant engrossing clerk of the house of assembly, session of the year one thousand eight hundred and eighty-one, the extra services being made necessary through work being left undone by the then engrossing clerk, George W. Wyncoop, twenty dollars. $20 00

Item No. 41. To George W. Woodward, for extra services as clerk to the committee on engrossed bills of the house of assembly, session of the year one thousand eight hundred and eighty-one, made necessary through work being left undone by the then engrossing clerk, twenty dollars. $20 00

Item No. 42. To Robert McCague, junior, four hundred dollars, and to E. V. S. Besson one hundred dollars, for expenses incurred and counsel fees in contested election case of E. V. S. Besson *versus* Robert McCague, junior, five hundred dollars. $500 00

Item No. 43. To George S. Smith, for services rendered as clerk to the committee appointed to investigate the charges against the grand army of the republic, twenty-five dollars. $25 00

Item No. 44. To Edward Mullin, for services rendered as clerk to the committee on incidental expenses, house of assembly, and amount paid newspapers for advertising, one hundred dollars. $100 00

Item No. 45. To the Jordan Stationery Company, for stationery furnished sergeant-at-arms, house of assembly, forty-six dollars. $46 00

Item No. 46. To John B. Dusenberry, for services rendered as clerk to the committee appointed to investigate whether the law in relation to limiting the number of convicts

employed at any one branch of industry in the state prison to over one hundred, was complied with, fifty dollars. $50 00

Item No. 47. To Asa W. Dickinson, for services rendered as assistant clerk in the opening of the house of assembly, session of one thousand eight hundred and eighty-two, fifty dollars. $50 00

Item No. 48. To the Jordan Stationery Company, for stationery, rubber bands, *et cetera*, furnished the sergeant-at-arms, house of assembly, two hundred and seventy-two dollars and seventy-five cents. $272 75

Item No. 49. To Mrs. Maloney, for washing towels for house of assembly, twenty-five dollars. $25 00

Item No. 50. To James Jamison, for services rendered in cleaning water-closet, house of assembly, twenty-five dollars. $25 00

Item No. 51. To the widow of Cummins O. Cooper, for services as clerk in opening house of assembly, one hundred dollars. $100 00

Item No. 52. To Andrew M. Clarke, for services as journal clerk in opening the house of assembly, fifty dollars. $50 00

Item No. 53. To Catharine Traverse, for cleaning old water-closet, house of assembly, ten dollars. $10 00

Item No. 54. To Andrew J. Smith, for services as assistant clerk, house of assembly, one hundred dollars. $100 00

Item No. 55. To John A. Brown, for services as sergeant-at-arms in opening house of assembly, twenty-five dollars. $25 00

Item No. 56. To Theodore Lawrence, for services as assistant sergeant-at-arms in opening house of assembly, ten dollars. $10 00

Item No. 57. To William J. Pohl, for services rendered in opening house of assembly, twenty-five dollars. $25 00

Item No. 58. To Frank Huber, for extra services as bill clerk of the senate, one hundred and fifty dollars. $150 00

Item No. 59. To Knight & Knight, stenographers, for services as such to the special committee appointed by the house to investigate charges of bribery, one hundred and twenty-five dollars. $125 00

Item No. 60. To George W. Areson, for extra services as keeper of cloak room, ten dollars. $10 00

Item No. 61. To James D. O'Brien, for extra services as assistant doorkeeper of the house of assembly, fifty dollars. $50 00

Item No. 62. To C. J. Donovan, for extra services in serving subpœnas and attendance on committee to investigate bribery charges in connection with senate bill number one hundred and sixty-seven, fifty dollars. $50 00

Item No. 63. To John L. Murphy, for bill files furnished senate, sixty dollars. $60 00

Item No. 64. To John L. Murphy, for stationery, wrapping paper, pails, and so forth, furnished sergeant-at-arms of senate, two hundred and eighteen dollars and ninety cents. $218 90

Item No. 65. To E. Wells Sackett & Rankin, for calendars for senate, ten dollars. $10 00

Item No. 66. To W. Scott Snyder, assistant engrossing clerk of the senate, the sum of six hundred dollars. $600 00

Item No. 67. To J. C. Thomas, for oil furnished engrossing clerk of senate, ninety cents. 90

Item No. 68. To Mrs. Daniel S. Lee, for washing towels for the senate during the session, twenty-five dollars. $25 00

Item No. 69. To John L. Murphy, for calendars, bill books, and so forth, furnished president of the senate, twenty-seven dollars. $27 00

Item No. 70. To John L. Murphy, for stationery furnished on the order of the president of the senate, eighty dollars and sixty cents. $80 60

Item No. 71. To John L. Murphy, for minute books, calendars, and so forth, furnished secretary of the senate, one hundred and thirty-one dollars. $131 00

Item No. 72. To John L. Murphy, for lamp, oil, and so forth, for engrossing clerk's room, senate, twenty-five dollars and ninety cents. $25 90

Item No. 73. To John L. Murphy, for stationery, and so forth, furnished secretary of the senate, two hundred dollars and fifty-five cents. $200 55

Item No. 74. To John L. Murphy, for stationery, and so forth, furnished engrossing clerk of the senate, two hundred and seventy dollars and twenty cents. $270 20

Item No. 75. To L. L. Mulford, for services opening session of senate, ten dollars. $10 00

Item No. 76. To John T. Ray, for cleaning water-closets and cuspadores of senate, session of eighteen hundred and eighty-two, sixty dollars. $60 00

Item No. 77. To Benjamin Van Cleve, for services and expenses as expert of special committee of sinking fund, three hundred and fifteen dollars and eighty cents. $315 80

Item No. 78. To W. J. Bruce, for services as private secretary of the president, opening of the senate, ten dollars. $10 00

Item No. 79. To John F. Bodine, expenses of committee in relation to intermediate prison, fifty-three dollars and sixty-five cents. $53 65

Item No. 80. To James S. Yard, secretary to committee on East Jersey Proprietors, services and expenses, two hundred and twelve dollars and eighty-three cents. $212 83

Approved March 23, 1883.

CHAPTER CXIX.

A Supplement to an act entitled "An act to defray the incidental expenses of the New Jersey legislature for the session of one thousand eight hundred and eighty-two."

Act amended by adding new section.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the "Act to defray the incidental expenses of the New Jersey legislature for the session of one thousand eight hundred and eighty-two," being assembly bill number ninety-six of the session of one thousand eight hundred and eighty-three, be and the same is hereby amended by adding a new section as follows:

"2. *And be it enacted*, That this act shall take effect immediately."

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 23, 1883.

CHAPTER CXX.

An Act to defray the incidental expenses of the legislature of New Jersey, for the session of one thousand eight hundred and eighty-three.

Treasurer authorized to pay certain amounts.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the treasurer of the state of New Jersey to pay, upon the warrant of the comptroller, to the several persons hereinafter named, the following amounts, viz.:

Item No. 1. To Arthur Wilson, for bill paid Daniel T. Ames, for engrossing resolutions relative to the attempted assassination of Queen Victoria, by resolution of the house of assembly of eighteen hundred and eighty-two, ten dollars and fifty cents. $10 50

Item No. 2. To William H. Buller, for changing combination of the safe of the clerk of the house of assembly, for the session of eighteen hundred and eighty-three, ten dollars. $10 00

Item No. 3. To Lawrence Farrell, for one ice cooler, one table desk, and two calendars, furnished the sergeant-at-arms of the house of assembly, for the session of eighteen hundred and eighty-three, twenty-four dollars. $24 00

Item No. 4. To Ingalls & Co., for one double student's lamp with extra shades, *et cetera*, furnished the clerk of the house of assembly, for the session of eighteen hundred and eighty-three, fourteen dollars. $14 00

Item No. 5. To Louis C. Gosson, for services as assistant clerk, in opening the house of assembly, session of eighteen hundred and eighty-three, ten dollars. $10 00

Item No. 6. To John Cole, for services as keeper of the gallery of the house of assembly, in opening the session one thousand eight hundred and eighty-three, ten dollars. $10 00

Item No. 7. To Peter B. Babcock, Arthur O'Niell, George Lines, James Byrnes, George Smith, Alexander McClelland, Frank Lloyd, for services as doorkeepers and pages, in opening the house of assembly, session of one thousand eight hundred and eighty-three, each ten dollars, seventy dollars. $70 00

Item No. 8. To Thomas F. Fitzgerald, for services rendered as clerk to the committee on engrossed bills of the house of assembly, session of eighteen hundred and eighty-three, per resolution of the house of assembly, five hundred dollars. $500 00

Item No. 9. To Thomas K. Johnston, for furnishing parchment, and preparing oaths of members and officers of the senate and general assembly, session of eighteen hundred and eighty-three, fifty dollars $50 00

Item No. 10. To James D. O'Brien, for services as bill clerk, house of assembly, session of

eighteen hundred and eighty-three, three hundred and fifty dollars. $350 00

Item No. 11. To John Bamford, for expenses incurred and counsel fees in the contested election case of John W. Branin *versus* John Bamford, three hundred and seventy-three dollars and eighty-one cents. $373 81

Item No. 12. To Ingalls & Co., for stationery furnished engrossing clerk, house of assembly, session of eighteen hundred and eighty-three, two hundred and forty-two dollars and twenty-five cents. $242 25

Item No. 13. To Ingalls & Co., for one double student's lamp, with extra shades, *et cetera*, furnished the assistant clerk, house of assembly, session of eighteen hundred and eighty-three, fourteen dollars. $14 00

Item No. 14. To Alpaugh & Thompson, for stationery furnished the clerk of the house of assembly, for the organization of the session of eighteen hundred and eighty-three, one hundred and forty-six dollars and twenty-five cents. $146 25

Item No. 15. To John MacKechney, for services in attending fires in the senate and assembly chambers, and the president's and speaker's rooms, and ventilating the same, during the session of eighteen hundred and eighty-three, one hundred dollars. $100 00

Item No. 16. To John A. Brown, for services in attending electrical gas machines in senate chamber and house of assembly during the session of eighteen hundred and eighty-three, one hundred dollars. $100 00

Item No. 17. To Ellen Meeley, for services in cleaning the senate and assembly chambers, during the session of eighteen hundred and eighty-three, two hundred dollars. $200 00

Item No. 18. To Alpaugh & Thompson, for stationery furnished the clerk of the house of assembly, session of eighteen hundred and eighty-three, one hundred and seventy-two dollars and nineteen cents. $172 19

Item No. 19. To Naar, Day & Naar, for printing copies of the address of Hon. Edwin Salter, by order of the bi-centennial committee of the legislature, twenty-two dollars and eighty-eight cents. $22 88

Item No. 20. To Naar, Day & Naar, for advertising for proposals for printing, by order of the secretary of the senate, two dollars and forty cents. $2 40

Item No. 21. To Naar, Day & Naar, for document envelopes and paper-fasteners, furnished the clerk of the house of assembly, two dollars and sixty cents. $2 60

Item No. 22. To Naar, Day & Naar, for eyelet punch, spring punch, *et cetera*, furnished journal clerk, house of assembly, four dollars and seventy-five cents $4 75

Item No. 23. To C. J. Donovan, for matches, tumblers, expressage and other supplies and expenses for the house of assembly, twenty-five dollars and sixty-eight cents. $25 68

Item No. 24. To Ellen Maloney, for washing spittoons of house of assembly, session of eighteen hundred and eighty-three, sixty dollars. $60 00

Item No. 25. To Rose Delaney, for cleaning water-closets of house of assembly, session of eighteen hundred and eighty-three, twenty-five dollars. $25 00

Item No. 26. To Ellen Maloney, for washing towels for house of assembly, session of eighteen hundred and eighty-three, twenty-five dollars. $25 00

Item No. 27. To J. Ross Lake, for services as clerk to committee on elections, house of assembly, session of eighteen hundred and eighty-three, seventy-five dollars. $75 00

Item No. 28. To Isaac Wildrick, for attorneys' fees and expenses during the investigation, and contesting his seat in the house of assembly, two hundred and ten dollars. $210 00

Item No. 29. To John Milroy, for time, labor, board, car-fare, *et cetera*, in the contested election case of Bond *versus* Wildrick, nine dollars. $9 00

Item No. 30. To Thomas W. Kitchen, for time, labor, car-fare, *et cetera*, in the contested election case of Bond *versus* Wildrick, twelve dollars. $12 00

Item No. 31. To William L. Hoagland, for notifying officers to produce keys and ballot-boxes, and other expenses in the contested election case of Bond *versus* Wildrick, seventy-two dollars. $72 00

Item No. 32. To Fitzgerald & Gosson, for four hundred and forty copies of the legislative manual, furnished the senate and house of assembly, per resolutions of the senate and house of assembly, at one dollar per copy, four hundred and forty dollars. $440 00

Item No. 33. To the clergy, for opening the sessions of the legislature with prayer during the session of eighteen hundred and eighty-three, ten dollars each.

Item No. 34. To Louis C. Gosson, for services as clerk to the committee on incidental expenses, house of assembly, taking affidavits as to the correctness of bills, *et cetera*, one hundred dollars. $100 00

Item No. 35. To Naar, Day & Naar, for advertising notices to present bills to the committee on incidental expenses, one dollar and seventy-five cents. $1 75

Item No. 36. To John L. Murphy, for advertising notices to present bills to the committee on incidental expenses, one dollar and twenty-five cents. $1 25

Item No. 37. To John Jamison, for services as doorkeeper, house of assembly, session of eighteen hundred and eighty-three, three hundred dollars. $300 00

Item No. 38. To James Burns, for services as document clerk, house of assembly, session of eighteen hundred and eighty-three, three hundred and fifty dollars. $350 00

Item No. 39. To John Corrigan, for services as doorkeeper, house of assembly, session of

eighteen hundred and eighty-three, three hundred dollars. $300 00

Item No. 40. To Ingalls & Company, for red silk braid furnished the engrossing clerk, house of assembly, session of eighteen hundred and eighty-three, three dollars. $3 00

Item No. 41. To George S. Smith, for services as clerk to the committees on judiciary and revision of the laws, per resolution of the house of assembly, three hundred dollars. $300 00

Item No. 42. To Frank Bell, for services as assistant to clerk of the house of assembly, session of eighteen hundred and eighty-three, per resolution of the house of assembly, one hundred and fifty dollars. $150 00

Item No. 43. To William E. O'Connor, for services as clerk to the committee on charges of bribery preferred by Mr. Armitage, per resolution of the house of assembly, fifty dollars. $50 00

Item No. 44. To William E. O'Connor, for services as clerk to the committees on municipal corporations and corporations, of the house of assembly, per resolution of the house of assembly, three hundred dollars. $300 00

Item No. 45. To Louis C. Gosson, J. P., for attendance upon the committee on charges of bribery, preferred by Mr. Armitage, and services, swearing the witnesses, *et cetera*, ten dollars. $10 00

Item No. 46. To Michael Hurley, for serving subpœnas in the Bond-Wildrick contested election case, payment of witness fees, traveling expenses, *et cetera*, by order of the committee on elections, house of assembly, eighty-two dollars. $82 00

Item No. 47. To Thomas F. Fitzgerald, for serving subpœnas in the Bond-Wildrick contested election case, payment of witness fees, traveling expenses, *et cetera*, by order of the committee on elections, house of assembly, fifty-nine dollars and twenty cents. $59 20

Item No. 48. To Western Union Telegraph Company, for telegrams sent for committee on

elections, house of assembly, in the Bond-Wildrick election case, eleven dollars and fifty-eight cents. $11 58

Item No. 49. To Martin R. Dennis, for printing circulars for the bi-centennial celebration of the legislature, fifteen dollars. $15 00

Item No. 50. To John L. Murphy, for printing order of exercises and admission tickets for the bi-centennial celebration of the legislature, twenty-two dollars. $22 00

Item No. 51. To J. H. Petermann, for musical services at the governor's reception, bi-centennial celebration of the legislature, seventy-five dollars. $75 00

Item No. 52. To A. Winkler, for services of Winkler's seventh regiment band, at Taylor opera house, at the bi-centennial celebration of the legislature, ninety dollars. $90 00

Item No. 53. To the bi-centennial committee for cash paid for postage, stationery, telegrams, clerk hire, *et cetera*, sixty dollars and eighty-two cents. $60 82

Item No. 54. To Charles Engel, for dinners, refreshments, railroad fare, *et cetera*, for the bi-centennial celebration of the legislature, one hundred and seventy dollars. $170 00

Item No. 55. To C. Braasch, for carriage hire for the bi-centennial celebration of the legislature, sixteen dollars. $16 00

Item No. 56. To bi-centennial committee, for the use of Taylor opera house for the bi-centennial celebration of the legislature, one hundred dollars. $100 00

Item No. 57. To F. S. Katzenbach & Co., for nails, scraper, marking-pot, brush, *et cetera*, furnished the document clerk of the house of assembly, two dollars and eighty-five cents. $2 85

Item No. 58. To the Jordan Stationery Company, for stationery furnished the house of assembly, session of eighteen hundred and eighty-three, one thousand and forty-seven dollars and twenty-five cents. $1,047 25

Item No. 59. To the Jordan Stationery Company, for stationery furnished the house of assembly, session of eighteen hundred and eighty-three, six hundred and seventy-seven dollars and eighty-five cents. $677 85

Item No. 60. To Ingalls & Co., for stationery furnished the speaker of the house of assembly, session of eighteen hundred and eighty-three, sixty-two dollars. $62 00

Item No. 61. To the Jordan Stationery Company, for stationery furnished the house of assembly, session of eighteen hundred and eighty-three, one hundred and fifty dollars and seventy-five cents. $150 75

Item No. 62. To Jordan Stationery Company, for stationery furnished the house of assembly, session of eighteen hundred and eighty-two, fifty-one dollars and thirty cents. $51 30

Item No. 63. To John L. Murphy, for printing tickets for Hon. Mr. Wright's lecture, by order of the committee, session of eighteen hundred and eighty-three, eight dollars. $8 00

Item No. 64. To Robert Bond, for expenses and counsel fees in the contested election case of Bond *versus* Wildrick, one hundred dollars. $100 00

Item No. 65. To Cornelius J. Donovan, for money paid for towels, glasses, *et cetera*, twenty-five dollars. $25 00

Item No. 66. To C. H. Benson, for services in opening the sessions of the legislature with prayer, during the session of eighteen hundred and eighty-three, in lieu of all other allowances, as per item number thirty-seven, fifty dollars. $50 00

Item No. 67. To W. S. Snyder, the sum of six hundred dollars for services as assistant engrossing clerk of the senate, session of eighteen hundred and eighty-three. $600 00

Item No. 68. To Jerome B. Griggs, the sum of six hundred dollars for services as assistant engrossing clerk of the house of assembly, session of eighteen hundred and eighty-three; *provided, however,* that the compensation so

allowed shall be in lieu of all compensation to said assistant engrossing clerks of the senate and house. $600 00

Item No. 69. To William T. Hunt, for services as assistant secretary, opening session of senate, ten dollars. $10 00

Item No. 70. To George Wurts, for services as secretary of senate, opening session, ten dollars. $10 00

Item No. 71. To J. V. Albertson, for services as assistant sergeant-at-arms, opening session, twenty dollars. $20 00

Item No. 72. To David Hickman, for services as doorkeeper, opening session, ten dollars. $10 00

Item No. 73. To John L. Murphy, for stationery furnished secretary of senate, one hundred and eighty dollars and seventy-three cents. $180 73

Item No. 74. To John L. Murphy, for stationery, *et cetera*, furnished sergeant-at-arms of senate, two hundred and eighty-two dollars and ninety-three cents. $282 93

Item No. 75. To John L. Murphy, for bill files furnished senate, sixty-one dollars. $61 00

Item No. 76. To John L. Murphy, for stationery furnished engrossing clerk of senate, seventeen dollars and five cents. $17 05

Item No. 77. To John L. Murphy, for stationery furnished senate on order of the president, one hundred and eighteen dollars and eighty-five cents. $118 85

Item No. 78. To John L. Murphy, for stationery furnished engrossing clerk of senate, two hundred and fifty-nine dollars and forty-five cents. $259 45

Item No. 79. To John L. Murphy, for stationery furnished secretary of senate, one hundred and twenty-three dollars and fifty cents. $123 50

Item No. 80. To Jay & Neale, for oil, one dollar. $1 00

Item No. 81. To Mary E. Lee, for washing towels for senate, twenty-five dollars. $25 00

Item No. 82. To Frank H. Huber, page, for extra services as bill clerk of senate, one hundred and fifty dollars. $150 00

Item No. 83. To John T. Ray, for cleaning cuspadores and water-closets in senate, sixty dollars. $60 00

Item No. 84. To Charles B. Hindle, page, for extra services as assistant to journal clerk, one hundred dollars. $100 00

Item No. 85. To Goldsborough & Co., for stamp for speaker of house of assembly, twelve dollars. $12 00

Item No. 86. To Knight & Knight, for services as stenographers, reporting the testimony and proceedings before the special court of the house of assembly of New Jersey, to investigate attempted bribery by ex-Speaker Egan of Assemblyman Armitage, one hundred and seventy-five dollars and eighty cents. $175 80

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 23, 1883.

CHAPTER CXXI.

A Supplement to an act entitled "An act for the government and regulation of the state prison," passed April twenty-first, one thousand eight hundred and seventy-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section eight of the act to which this is a supplement, be and the same is hereby amended to read as follows: Section amended.

8. *And be it enacted*, That if any person confined in said prison under sentence of imprisonment shall appear to be insane, the judge of the circuit court of the county in which the prison is situated shall, upon information of the fact Proceedings where person confined in prison appears to be insane.

from the physician of the prison, institute a careful investigation, call two respectable physicians, and other credible witnesses if necessary, invite the attorney general to aid in the examination, and, if he shall think it necessary, call a jury, and for that purpose he is hereby fully empowered to compel the attendance of witnesses and jurymen; and if it be satisfactorily proved that said prisoner is insane, said judge shall, in case the conviction of such prisoner was or shall be had in either of the counties of Atlantic, Cape May, Cumberland, Salem, Gloucester, Camden, Burlington, Mercer, Ocean, Monmouth, Hunterdon, Somerset, or Middlesex, order his custody and removal to the state lunatic asylum at Trenton; and in case the conviction of such prisoner was or shall be had in any other county of this state, then said judge shall order the custody and removal of such prisoner to the state asylum for the insane at Morristown; and such prisoner shall remain at the expense of the state in the asylum to which he shall be removed as aforesaid, until restored to his right mind, and then if his term of imprisonment shall not have expired, the superintendent of such asylum shall inform the said judge and the attorney general of his recovery, whereupon he shall be remanded to the prison to serve out the unexpired portion of his term of imprisonment.

Insane prisoners to be removed to Morristown.

2. *And be it enacted*, That all insane prisoners heretofore removed by the order of said judge from the state prison to the state lunatic asylum at Trenton, and now there remaining, and whose respective sentences of imprisonment in the prison were pronounced or imposed by any court in either of the counties of Union, Essex, Hudson, Bergen, Passaic, Morris, Sussex and Warren, shall be removed from the said state lunatic asylum to the state asylum for the insane at Morristown, and shall be delivered by the superintendent of the state lunatic asylum at Trenton, and at the expense of the managers thereof, to the superintendent of the asylum for the insane at Morristown, there to remain, at the expense of the state, until restored to his right mind and returned to the state prison, or discharged according to law.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 23, 1883.

CHAPTER CXXII.

Supplement to an act entitled "An act respecting prosecutors of the pleas of the state," approved April sixteenth, one thousand eight hundred and forty-six.

Assistant prosecutor may be appointed in certain counties.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in each county of this state having within its territorial limits a population exceeding one hundred and fifty thousand inhabitants, the board of chosen freeholders of such county shall, in addition to the salary now provided by law for said prosecutor, pay to an assistant prosecutor, who shall be appointed by said prosecutor, the further sum of twenty-five hundred dollars per annum for the services of such assistant prosecutor, and said salary shall be paid monthly to said assistant prosecutor by the county collector of said county; *provided*, that no more than one assistant shall be appointed in each of such counties.

Salary.

Proviso.

Repealer.

2. *And be it enacted*, That all acts and parts of acts inconsistent with this act are hereby repealed, and this act shall take effect immediately.

Approved March 23, 1883.

CHAPTER CXXIII.

An Act to provide for the support and maintenance of the state industrial school for girls.

Appropriation for current year.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That, for the support and maintenance of the state industrial school for girls for the current year, the sum of six thousand dollars is hereby appropriated,

which the treasurer of the state is directed to pay on the warrant of the comptroller, out of any funds in his hands, to the treasurer of said state industrial school.

2. *And be it enacted,* That this act shall take effect immediately.

Approved March 23, 1883.

CHAPTER CXXIV.

An Act to defray the expenses of a special committee of the house of assembly to investigate the taxation of railroads and other corporations in this state.

Treasurer directed to pay certain sums.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That for the purpose of defraying the expense of the special committee of the house of assembly on the taxation of railroads and other corporations, appointed by resolution of the same at the last legislative session, the treasurer of this state is hereby directed to pay, upon the warrant of the comptroller, the following sums: For the expenses of printing their report, stationery, postage, *et cetera,* incurred by said commission in the performance of their duties, an amount not exceeding two hundred dollars; to Walter J. Knight, for stenographer fees, five hundred and one dollars and ten cents; to the chairman of said committee, to defray the expense of the members of said committee, the sum of five hundred dollars.

2. *And be it enacted,* That this act shall take effect immediately.

Approved March 23, 1883.

CHAPTER CXXV.

An Act to provide for the construction of proper waste-gates in dams.

WHEREAS, During heavy freshets great damage is often occasioned by reason of the breaking away of mill-dams, for the want of proper waste-gates for the discharge of the surplus water, and bridges and other public and private property are thus destroyed; for the remedying thereof,

Waste-gates to be constructed in mill-dams.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all mill-dams more than six feet high and sixty feet long, heretofore or hereafter constructed in any of the waters of this state, there shall be placed, when required by the township committee of the township where the same is or is to be located, or if the same is or is to be located in two townships, then by the township committees of both townships, at least one suitable waste-gate for the free and rapid discharge of surplus water in time of freshet or other emergency, which gate or gates shall be kept in good order at all times by the owner or lessee of the water power furnished by such mill-dam; such gate or gates shall be of such dimensions as may be approved by a reputable engineer and the chosen freeholder of the township wherein such dam may lie, or if the same shall be in two townships, then by the chosen freeholders of both townships, and a plan and written specification of the construction of such gate or gates, approved as aforesaid in writing, shall be filed by the owner or lessee of said dam, and under whose authority the same has been or is to be constructed, in the county clerk's office of the county or counties wherein the same may be located, before it shall be lawful to construct such dam, and notice of such filing shall be given by such owner or lessee to the board of chosen freeholders of any county wherein such dam doth or is to lie.

Plan to be filed in office of county clerk.

Person not complying with provisions of act liable for damages.

2. *And be it enacted*, That any person who shall construct or maintain a dam more than six feet high and sixty long, without complying with the provisions of the first section of

this act shall be liable for any and all damages, to either public or private property which shall be proved in any court of competent jurisdiction to have resulted from such non-compliance.

When water overflows dam, owner to raise gate.

3. *And be it enacted*, That when any heavy rain storm or freshet shall occur, and the waters backed up by any dam shall overflow the same, it shall be the duty of such owner or lessee to raise the waste-gate or gates in such dam to a height sufficient to allow the surplus waters to run off freely, and relieve the pressure against such dam, in order to avoid the danger of the same being carried away; and in case of the failure or neglect of such owner or lessee to so raise such gate or gates, it shall be lawful for the roadmaster of any road district wherein such dam shall wholly or partly lie, to raise the gate or gates as aforesaid.

Person aggrieved may appeal.

4. *And be it enacted*, That if any person who shall be notified to construct a gate or gates under this act shall feel aggrieved, he may, within ten days after the service of the notice upon him, appeal to the board of chosen freeholders of the county by serving a written notice of appeal upon the clerk of said board, and by serving a copy of such notice of appeal upon the clerk of the township committee or committees who gave the notice requiring such gate, personally, or by leaving the same at his or their residence; and thereupon, said board of freeholders shall have power to hear and determine said appeal, and the decision of a majority thereof thereupon shall be final; if no appeal be taken, such gate or gates shall be constructed within ninety days from the service of the notice requiring the same, and if an appeal be taken and the board of chosen freeholders decide that said gate or gates shall be constructed, the same must be constructed within ninety days after such decision, and it shall be the duty of the board of chosen freeholders to hear and determine any such appeal within forty days after the appeal is taken.

Not to apply to dams located on tide water.

5. *And be it enacted*, That this act shall not apply to any dams located on tide water.

6. *And be it enacted*, That this act shall take effect immediately.

Approved March 23, 1883.

CHAPTER CXXVI.

An Act for the classification of boroughs and incorporated villages of this state for the purposes of municipal legislation in relation thereto.

How classified.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this act, the classification of the boroughs and incorporated villages of this state shall, for the purposes of municipal legislation in relation thereto, be as follows, viz.: "boroughs of the first class," "boroughs of the second class," "boroughs of the third class."

Classes distinguished by population.

2. *And be it enacted*, That "boroughs of the first class" shall consist of all boroughs and incorporated villages in this state that have within their territorial limits a population exceeding three thousand inhabitants; that "boroughs of the second class" shall consist of boroughs and incorporated villages in this state that have a population within their territorial limits of not less than fifteen hundred nor more than three thousand inhabitants; and that "boroughs of the third class" shall consist of all boroughs and incorporated villages in this state not embraced within either the first or second class as herein distinguished.

What shall be a sufficient classification.

3. *And be it enacted*, That it shall be a sufficient classification of boroughs and incorporated villages to which any law hereafter enacted shall apply, to refer in any such law to boroughs and incorporated villages under the classification herein provided by the classification herein designated, and such law shall be construed to apply to and embrace all boroughs and incorporated villages of the class referred to in the act; and all courts of this state shall take notice of this classification and construe all legislation founded upon the classification herein designated, as if this act were a part of the law under consideration, when any law passed on the basis of the classification in this act shall in any wise be called in question.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 23, 1883.

CHAPTER CXXVII.

An Act to prevent fraudulent voting at elections.

Glass ballot boxes to be provided in counties and cities of the first class.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the boards of chosen freeholders of each county of the first class and the common councils or board of aldermen of each city of the first class, shall, within three months after the passage of this act, and from time to time, as occasion may require, provide and keep in good repair, ballot boxes for the use of each ward, township or election district, which box, when completed, shall be eleven inches in length, width and depth, interior measurement, as near as may be, the top and bottom to be made of hard wood, one inch thick and fourteen inches in width and length, as near as may be, and the four sides of plate glass, at least five-sixteenths of an inch thick, and so clear that the inside of the box can be plainly seen through it; and the four glass sides shall be closely fitted and fastened by glass cement into proper grooves, one-half of an inch deep, as near as may be, both in the top and bottom of the box; each of the four corners formed by the glass portions of the box shall be secured on the exterior by a strong brass corner, extending from top to bottom, fitting closely over the glass corner, such brass corners not to extend more than three-fourths of an inch on the glass sides each way from the corners so formed, and to be securely fastened into the top and bottom of the box; the top and bottom to project beyond the glass portions the same distance on each of the four sides as near as may be, and to be fastened together by a brass rod three-eighths of an inch thick, as near as may be, at each corner, exterior to the glass and brass corners before mentioned, each rod to extend from top to bottom, and through both top and bottom, and be so secured by heads at each end of the rod that the same cannot be removed without breaking, cutting, filing or melting said rod, or breaking, cutting, filing or burning said top or bottom; each box shall have a lid thereto, which shall be fastened

with brass or iron hinges, and there shall be on the lid thereof three locks of different construction, so that neither of them can be opened with the key belonging to another of them, and there shall be in the lid thereof an aperture not larger than shall be sufficient to admit a single closed ballot therein at one time, and the interior of the lid thereof shall be provided with a bar or bolt that the aperture in the same can be covered thereby, in such manner that when the ballot box shall be locked, no ballot or other thing can be inserted in the same; the price to be paid for any such box shall not exceed ten dollars.

No other box to be used.

2. *And be it enacted*, That at every election, general, local, municipal or special, held within this state after three months from the time this act shall take effect, the ballot boxes constructed and provided as required by this act, and no other, shall be used.

Proceedings on failure to provide ballot boxes.

3. *And be it enacted*, That if any board or council mentioned in section one of this act, shall fail to provide as many ballot boxes as may be necessary, as required by this act, within the three months specified in section one of this act, any citizen of the county or city in which such board or council exists, may proceed by *mandamus* in the supreme court, to compel such boxes to be provided, and the supreme court shall have jurisdiction of such proceeding, and shall have power to compel such ballot boxes to be provided at or before a time to be designated, and to commit for contempt until the order or judgment of the court be complied with.

Approved March 23, 1883.

CHAPTER CXXVIII.

A Supplement to an act entitled "An act for the prevention of cruelty to animals," approved March eleventh, one thousand eight hundred and eighty.

Section amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section six of the act to which this is a supplement, be amended so as to read as follows:

B.—SEIZURE OF PROPERTY.

Proceedings in case of seizure of property.

6. *And be it enacted*, That the person arresting the person or persons offending against the provisions of section eleven of this act, and so seizing such living animals, creatures, implements or appliances, as in said section provided, shall, within twenty-four hours after such seizure, make application to a justice of the peace, district court or police magistrate, to have the same forfeited and sold; which application shall be in writing, and shall specify the articles seized, the place where they were seized, and state for what reason the same were seized; and the said justice shall thereupon cause a notice to be published in a newspaper circulating in the neighborhood of the place where such seizure was made, for at least three times if in a daily paper, or one time if in a weekly paper, stating that a seizure has been made, the names of the articles seized, the place where the same were seized, and the reason for such seizure; and in such notice shall appoint a time and place, not less than five nor more than ten days from the date of such seizure, when and where all parties may be heard, and show cause why the application should not be granted; and if, upon the hearing of such application, it shall be found and adjudged that at the time of said seizure the same were engaged or used in violation of said section, or were owned, possessed or kept by any person with the intent that the same should be so engaged or used, they shall be adjudged forfeited, and the said justice, court or magistrate shall order the same sold in such manner as he shall deem proper, and after deducting the costs and expenses, shall pay one-half the proceeds of such sale to the district society for the prevention of cruelty to animals, if one is in existence in his county, and, if not, then to the New Jersey society for the prevention of cruelty to animals, and the other half to the person making the seizure aforesaid; should it be found and adjudged that any such bird or animal is of no use or value, the same shall be set at liberty, or disposed of as the said justice, court or magistrate may direct; but should the creature or property so seized be adjudged not forfeited, the same shall be returned to the owner, and the party making the seizure shall pay all the costs and expenses of the same.

2. *And be it enacted*, That section fourteen of the act to which this is a supplement, be amended so as to read as follows: Section amended.

G.—PROCEEDINGS.

14. *And be it enacted*, That any justice of the peace in the county, or any district court or police magistrate in any city where any offense shall have been committed under the above section thirteen of this act, is hereby authorized and directed, upon receiving sufficient proof by affidavit of the same, and of any of the following particulars, to proceed as follows: Proceedings in justices' and district courts.

I. By summons: when the defendant or defendants are resident within the jurisdiction of the court; By summons.

II. By warrant: when the defendant or defendants are temporarily within the jurisdiction of said justice, court or magistrate, but not residing therein; or when the said person or persons is or are likely to evade judgment by removal therefrom; or when the name or names and residence or residences of said person or persons is or are unknown; By warrant.

III. By attachment: when said justice, court or magistrate is satisfied by affidavit that the owner or owners of any animal which has been or is being cruelly treated within the provisions of section thirteen of this act, is the party chargeable with such offense under said section, and that said owner or owners reside out of the local jurisdiction of such justice, court or magistrate, the said justice, court or magistrate shall order and enforce the same by summary attachment against the animal so cruelly treated, and the vehicle, truck, cart, barrow or wagon to which said animal is or may be fastened, yoked, hitched or harnessed at the time of said offense, together with the appurtenances. By attachment.

PLEADINGS.

The following shall be the form of the summons issued in all cases under this act, and the warrant, when the party is arrested in a proceeding for the penalty prescribed in section eleven, shall conform to the same as far as practicable, viz.: Form of summons.

State of New Jersey, } ss.
county, }

[L. S.] To any constable or police officer (as the case may be) of said county:

summon to appear before me, at my office, in the of on the day of at o'clock in the noon, to answer the New Jersey society for the prevention of cruelty to animals, prosecutor, in a plea of debt, for the penalty of one hundred dollars, by virtue of an act entitled "An act for the prevention of cruelty to animals," approved one thousand eight hundred and ; hereof fail not.

Given under my hand and seal, this day of , one thousand eight hundred and

When suit is instituted by warrant.

When the suit shall be instituted by warrant, the justice, court or magistrate shall cause the following order to be endorsed on the affidavit filed in said cause, and shall affix his name to the same, viz.:

Form of order.

Having read the within affidavit, and being satisfied as to the sufficiency of the same, I do hereby order and adjudge that a warrant (or warrants, as the case may be,) do issue against the defendant (or defendants, as the case may be,) therein named;

When suit is instituted by attachment.

When the suit shall be instituted by attachment, as provided for in this act, the justice, court or magistrate shall cause the following order to be endorsed on the affidavit filed in said cause, and shall affix his name to the same, viz.:

Form of order.

Having read the within affidavit, and being satisfied as to the sufficiency of the same, I do hereby order and adjudge that a writ of attachment do issue and be enforced against said animal (or animals, as the case may be,) so cruelly treated as aforesaid, and the vehicle, truck, cart, barrow or wagon to which said animal (or animals, as the case may be,) were fastened, yoked, hitched or harnessed at the time of said offense, together with the appurtenances;

Proceedings as in other cases of attachment.

The proceedings on said attachment before the said justice, court or magistrate shall be the same, so far as practicable, as in other cases of attachment provided for by law before a justice of the peace;

In all prosecutions instituted and begun under the provisions of section thirteen of this act, an affidavit of the violation thereof shall be sufficient demand or pleading, which said affidavit shall be filed with said justice before issuing the process. In prosecution under certain sections an affidavit to be sufficient.

JUDGMENT AND EXECUTION.

The proceedings mentioned in the thirteenth section of this act may be instituted before any justice of the peace in and for the county where the offense or offenses is or are committed, or before any district court or police magistrate in any city where the offense or offenses is or are committed, and such justice, district court or police magistrate shall have competent jurisdiction for such purpose; and the amount of the forfeiture or penalty so to be recovered as in said section provided for, shall be determined and judgment rendered for the same, together with costs in like manner as in actions for the recovery of money or damages in the court for the trial of small causes; and execution may thereupon issue against the body or goods of the defendant; and all proceedings in said section mentioned shall, except as otherwise specially provided, conform to the course and practice of the court or jurisdiction before which the same shall be instituted. Proceedings may be instituted before district court or magistrate.

APPEAL.

An appeal to the court of common pleas of any county in this state shall be allowed from the decision of any justice of the peace, court or magistrate before whom such proceedings are instituted, in the same way and upon the same terms as appeals are allowed by law from the judgments of such justice, court or magistrate in other cases. Appeals to be allowed as in other cases.

3. *And be it enacted*, That section twenty-four of the act to which this is a supplement, and which reads as follows: Section to be amended.

"24. *And be it enacted*, That nothing in this act contained shall prohibit or affect the shooting of pigeons from the trap or game in the field," be amended so as to read as follows:

24. *And be it enacted*, That nothing in this act contained shall be held to prohibit or affect the shooting or taking of Section as amended.

game or game fish, in such manner and at such time as is or may be allowed or provided by the laws of this state.

Proceedings when person is arrested.

4. *And be it enacted*, That when any person or persons arrested under the provisions of the act for the prevention of cruelty to animals, or of any supplement thereto, shall at the time of such arrest be in charge of any animal or animals, with or without any vehicle attached, it shall be lawful (in case the owner of such property, or any employe of said owner, other than the person or persons arrested, be not then present,) to consider and treat such animal or vehicle, with its contents, in like manner as if such animal or property were estray, or abandoned in a public place, and the same may be delivered to the local police or constabulary force, or some member thereof, whose duty it is hereby made to receive and take charge of the same; but in case no police officer or constable can be found, such duty may be undertaken and performed by any proper person, at the request of the person making such arrest; and all necessary expenses which may be incurred for taking charge of and keeping and sustaining such animal or property shall be a lien upon the same, and shall be paid and satisfied before the same can be lawfully reclaimed; which lien may be enforced by sale thereof at public vendue, upon order of the justice or court or magistrate before whom the party arrested shall have been brought, and at such reasonable time and by such suitable person as in said order shall be directed; and application for such order of sale may be made by the person or officer then having custody of said animal or property, or by the person who made the arrest; but before such sale may lawfully take place, the justice or court or magistrate aforesaid shall cause notice to be published in a newspaper circulating in the neighborhood in which said arrest was made, for at least three times if in a daily paper, or one time if in a weekly paper, stating the time and place of sale, the article to be sold, and the reason for selling the same, also the name of the owner, if known; and the proceeds of sale so to be made shall be paid into court, and out of the same shall be satisfied all necessary expenses incurred as aforesaid, up to the time of said sale, together with costs as allowed by law in like cases or for like services, and the balance thereof shall be paid or disposed of as the right of ownership may appear; *provided always*, the property so advertised may be

Proviso.

redeemed by the owner or owners at any time before sale, upon payment of expenses and costs aforesaid.

5. *And be it enacted*, That this act shall take effect immediately.

Approved March 23, 1883.

CHAPTER CXXIX.

A Supplement to an act entitled "An act concerning roads," approved March twenty-seventh, one thousand eight hundred and seventy-four.

Repealer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the fifty-sixth section of the act to which this is a supplement, which said section reads as follows:

"56. *And be it enacted*, That in case any township in any county of this state, which shall elect or determine to maintain their highways by hire, shall neglect or refuse to raise and furnish to the overseer of the highways, money sufficient for the opening, clearing out, working, making, amending, repairing and keeping in good order the highways and bridges within their respective limits, then it shall be and it is hereby made the duty of the overseers of the highways in said townships, to open, clear out, work, amend, repair and keep in good order the highways within their respective limits and divisions, in the same way and manner as is prescribed to the overseers of the highways of those townships which elect to maintain their highways by labor," be and the same is hereby repealed.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 23, 1883.

CHAPTER CXXX.

An Act concerning shooting societies.

Purchase of lands validated.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any shooting society heretofore incorporated by any general or special law of the state of New Jersey, under which they were entitled to hold real estate in any township in this state, designated in the preamble or any section of the act incorporating them, who may have sold and conveyed such real estate, and from the proceeds thereof, purchased lands or real estate in any adjoining township not specially directed in the charter of said society, such purchase shall be taken as valid and effectual in law, and such society shall have vested in it as complete title to the lands so purchased, as if such transfer was specially conferred by the act incorporating such society.

Acts of officers validated.

2. *And be it enacted*, That the acts of the officers of any such society, in making such transfer of any real estate mentioned in their original act of incorporation, and in the purchase of other real estate, and in the issue of capital stock for such purpose, by and with the direction and consent of the members of said society, shall be deemed and taken as valid and effectual in law as if the acts done by them had been conferred upon them by their original act of incorporation;

Proviso.

provided, however, such total capital stock so issued by such society does not exceed seventy-five thousand dollars.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 23, 1883.

CHAPTER CXXXI.

Supplement to an act entitled "An act for the formation of borough commissions," approved March seventh, one thousand eight hundred and eighty-two.

Further powers of borough commissions.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all borough commissions which have been organized or which shall be organized under the provisions of said act shall have power to ordain and enforce ordinances for the following purposes, in addition to the powers granted by said act:

Providing for granting licenses to hawkers, peddlers, &c.

First. Providing for granting licenses to hawkers, peddlers and other vendors, and prohibiting all persons from carrying on the business of hawking, peddling and vending without such license;

To prevent injury to shade trees.

Second. To prevent injury to and destruction of trees on the public streets;

To prohibit destruction of street lamps, &c.

Third. To prohibit any injury or destruction of street lamps or other public property;

To prevent nuisances.

Fourth. To prevent and provide for the abatement of all nuisances on the streets or sidewalks within the borough limits, and prohibit the accumulation of offensive matters on the same;

To prohibit the pasturing of cattle, &c., on streets, &c.

Fifth. To prohibit the pasturing of cattle, sheep, goats, geese or other animals on the said streets or sidewalks;

To provide for enforcement of ordinances, &c.

Sixth. To provide for the enforcement of ordinances and prescribe penalties for violation of the same, which penalties shall consist of fines and costs of suit, to be sued for and recovered in district courts or courts for the trial of small causes.

Repealer.

2. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed, and this act shall take effect immediately.

Approved March 23, 1883.

CHAPTER CXXXII.

An Act to authorize the formation of religious corporations by members of societies or confraternities of clergymen.

Formation of corporation authorized.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any church or congregation which has been or may be established by a branch of any society or confraternity of clergymen in this state, to be incorporated under and by virtue of the provisions hereinafter stated: the pastor of such church or congregation for the time being and four of the clergymen resident in the house or parsonage connected with such church or congregation, and members of the society or confraternity by which the church or congregation about to be incorporated has been established, who shall be elected by a majority of the clergymen resident as aforesaid, may sign a certificate setting forth the name by which they and their successors shall be known and distinguished as a body corporate, and transmit the said certificate to the clerk of the court of common pleas of the county in which such church or congregation may be located, whose duty it shall be forthwith to file and record the same, for which he shall be entitled to receive one dollar, and thereupon such church or congregation shall be a body corporate by the name or title so taken, certified and recorded.

Certificate to be filed and recorded in office of county clerk.

Trustees.

Powers of corporation.

2. *And be it enacted*, That the persons so signing said certificate shall be the trustees of such corporation, and they and their successors shall by such name of incorporation be able and capable to acquire, purchase, receive, have and hold any lands, tenements, hereditaments, legacies, donations, moneys, goods and chattels in trust for the use of such church or congregation to an amount not exceeding three thousand dollars a year, exclusive of the church edifices, school houses and parsonages, and the lands whereon the same are or may be erected, and burying plats, and the same, or any part thereof, to sell, grant, assign, demise, alien and

dispose of; to sue and be sued, plead and be impleaded, in any court of law or equity; to make and use a common seal, and the same to alter and renew at their pleasure.

To perpetuate line of succession.

3. *And be it enacted*, That in order to perpetuate a line of succession in the trustees of every such church or congregation, the successor in office for the time being of such pastor shall, by virtue of his office, be the trustee of such church or congregation in place of his predecessor; and the office of either of the trustees shall become vacant by his removal out of the limits of such church or congregation; and whenever the office of any such trustee, except the pastor, shall become vacant by death, removal, resignation or otherwise, his successor shall be chosen in the manner herein provided for the selection of the original members of such board of trustees.

Vacancies, how filled.

President may be elected annually.

4. *And be it enacted*, That such corporation may elect annually, or oftener if necessary or expedient, one of their own members to be president, who shall keep the minutes and enter the orders and proceedings of the corporation in a book to be kept for that purpose; shall have the custody of the common seal and the papers, documents, deeds, writings and books of or relating to such corporation, and who is hereby authorized and empowered to convene such corporation as occasion may require.

To have custody of common seal, &c.

Proceedings of majority of members shall be valid.

5. *And be it enacted*, That the proceedings, orders and acts of a majority of all the members of such corporation, but not of a less number, shall be valid and effectual in law.

Corporation may be revived within certain time.

6. *And be it enacted*, That if any corporation created under or by virtue of the provisions of this act shall be dissolved by failure to continue the succession of the trustees thereof, it may be revived and the church or congregation incorporated under this act, in the mode herein prescribed, at any time within six years from the date of such dissolution; and thereupon all the property, real and personal, belonging to such dissolved corporation at the time of its dissolution shall vest in such new corporation.

7. *And be it enacted*, That this act shall be deemed a public act and take effect immediately.

Approved March 23, 1883.

CHAPTER CXXXIII.

A Further Supplement to the act entitled "An act relating to the division of certain cities in this state into wards," approved March twenty-second, one thousand eight hundred and eighty-one.

Section amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section three of the act entitled "An act relating to the division of certain cities in this state into wards," approved March twenty-second, one thousand eight hundred and eighty-one, be amended so as to read as follows:

How members of council shall be elected.

3. *And be it enacted*, That at all charter, borough, municipal or town elections to be held in any such city, borough, town or municipality after a division thereof into wards as provided for by this act, an equal number of the elective members of the common council or other governing body or board of such city, borough, town or municipality, shall be elected from each of said wards as the representation thereof, and the residue of such elective members of such common council or other governing body or board, if any such there be, shall be elected at large from such city, borough, town or municipality; *provided*, that the largest possible number consistent with the foregoing provisions of this section shall be elected from each of said wards; *provided, further*, that where in any city affected by this act, the mayor, alderman or any other officer of said city is now *ex officio* a member of the city council, the city council, in apportioning the number of councilmen to each ward, shall not take into consideration such *ex officio* members; *and further provided*, that where in any city, borough, town or municipality affected by this act, any officer or officers of such city, borough, town or municipality is or are a member or members of such common council or other governing board or body, whose tenure of office is not elective, such common council or other governing board or body, in appor-

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tioning the number of members of the same to each ward, shall not take into consideration such non-elective members.

Sections of act applicable to all cities, towns, &c.

2. *And be it enacted*, That the first, second and third sections of this act shall apply to all cities, boroughs, towns and other municipalities, however created or governed, and by whatsoever name or title the same may be called or designated.

Repealer.

3. *And be it enacted*, That all acts and parts of acts inconsistent with this act, be and the same are hereby repealed, and that this act shall take effect immediately.

Approved March 23, 1883.

CHAPTER CXXXIV.

An Act to prevent and punish bribery at primaries, conventions and elections.

Penalty for bribing or offering to bribe voters.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if any candidate for office in any election hereinafter mentioned under the laws of this state, or any other person shall directly or indirectly offer, promise, procure, confer, or give any money, property, thing in action, preferment or other consideration or valuable thing, any money, note, check, draft, credit or property, to be used by way of fee, reward, gift or gratuity, for giving or refusing to give any vote in any election of any public officer, state, county, or municipal whatever, or of any member of the congress of the United States, or of electors for president and vice-president of the United States, such person either offering, asking or receiving the same, shall be deemed and taken to be guilty of a misdemeanor, and, on conviction thereof, be punished by fine or imprisonment, or both, at the discretion of the court, said fine not to exceed one thousand dollars, nor such imprisonment one year at hard labor; *and, further*, such person shall, on such conviction and as part of the judgment of the court, be deprived of the right of suffrage, and such candidate for office be dis-

qualified to hold any office to which he was elected at such election; *and, further*, if any person shall mark, in any way, for the purpose of corruptly identifying any ticket that shall be afterwards voted at such election, with intent to escape, evade or violate the provisions of this act, then any such person shall be deemed and taken to be guilty of a misdemeanor, and, on conviction thereof, be punished by fine or imprisonment, or both, at the discretion of the court, said fine not to exceed one thousand dollars, nor such imprisonment one year at hard labor.

Penalty for bribing or offering to bribe delegates.

2. *And be it enacted*, That if any person shall directly or indirectly give, offer or promise to give any sum or sums of money or other valuable thing in action, victuals, drink or preferment or other considerations, by way of fee, reward, gift or gratuity, or other valuable present or reward, to obtain, procure or influence the opinion, behavior, vote or abstaining from voting for the election of any delegate to any convention of any political party of this state, to nominate any candidate or candidates for member of the legislature of this state, for any member of congress of the United States, for electors for president and vice-president of the United States, for governor of this state, or for any candidate for any office in any county, city, town, township or borough in this state; and if any person, being a delegate to any political convention to nominate candidates for any of the offices named in this act, shall directly or indirectly ask for, accept, receive or take any sum or sums of money, or other valuable consideration by way of fee, reward, gift or gratuity, or other valuable consideration for the giving or refusing to give his vote at any such convention, all and every of such persons so offering, asking or receiving the same, in either case aforesaid, shall be deemed and taken to be guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine or imprisonment, or both, at the discretion of the court, said fine not to exceed five hundred dollars, nor such imprisonment six months, and such person so convicted shall also be disqualified to hold any office of honor, trust or profit under this state.

Penalty for bribing or procuring others to bribe voters or delegates.

3. *And be it enacted*, That whoever shall, directly or indirectly, give, furnish, supply, offer or promise, or procure to be given, furnished, supplied, offered or promised, to any person or persons, any money, service, preferment or valua-

ble thing, with the intent that such money or valuable thing, or any other money, service, preferment or valuable thing shall be given, offered, promised or used, by any person or persons, by way of fee, reward, gift or gratuity, for giving or refusing to give any vote or votes of any citizen of this state, at any election of any public officer, state, county or municipal, to be held therein, or of any member of congress of the United States, of electors for president and vice president of the United States, or at any election of any delegate or delegates to any political convention to be held for the nomination of any of the officers aforesaid, or by way of gift, gratuity or reward, for giving or withholding the vote or votes of any delegate or delegates at any such conventions, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by fine or imprisonment, or both; such fine not to exceed the sum of ten thousand dollars, and such imprisonment not to exceed the term of one year, and shall also be disqualified from holding any office of trust or profit under this state.

Persons may be compelled to testify.

4. *And be it enacted*, That any person not indicted for the acts forbidden as aforesaid, may be compelled to testify in any judicial proceeding, against any person or persons charged with bribery, corrupt solicitation or the offenses hereby prohibited, and shall not be permitted to withhold his testimony on the ground that he may criminate himself or subject himself to punishment, but such testimony shall not be afterwards used against him in any judicial proceedings, except for perjury in such testimony.

Sheriff to issue proclamation.

5. *And be it enacted*, That the sheriff of each county in this state shall, prior to any town, township, municipal, county, state or national election, issue a public proclamation under his hand and seal, calling the attention of the voters to and requiring the strict enforcement of this act, together with the provisions of section thirtieth of an act entitled "An act for the punishment of crimes" [Revision], and shall cause the same to be posted up by two conspicuous hand-bills at each polling place in said county, at least fifteen days previous to the time of holding such election as aforesaid; the expenses attending the same shall be allowed such sheriff in the settlement of his accounts with the board of freeholders of said county, and if any sheriff as aforesaid shall fail to comply with the conditions and requirements of this act, he

shall be liable to a fine of one thousand dollars, to be sued for and recovered by any person who may sue for the same, the one-half of such fine to go to the plaintiff in such action, and the other half to the county collector of said county, to be credited to the funds of said county.

Magistrates required to aid sheriff in enforcing proclamation.

6. *And be it enacted*, That all magistrates, constables and other peace officers of this state are hereby strictly enjoined and required, under the penalty that may fall thereon, to aid the sheriff of their respective counties in enforcing his proclamation.

Certain acts repealed.

7. *And be it enacted*, That section twenty-five of an act entitled "An act for the punishment of crimes" [Revision], and the supplement thereto, approved February seventeenth, one thousand eight hundred and eighty, also the act entitled "An act to prevent and punish the bribery of, and attempt to bribe, delegates to political conventions," approved April fifth, one thousand eight hundred and seventy-eight, be and the same are hereby repealed; *provided, however*, that this repealer shall not apply to or in any manner affect cases in which indictments may have been found, or cases in which complaints have been made before any inquest of this state for violation of the foregoing acts, but all such cases may be prosecuted in the same manner as if this act had not been passed.

Proviso.

8. *And be it enacted*, That this act shall be deemed a public act and take effect immediately.

Approved March 23, 1883.

CHAPTER CXXXV.

A Supplement to an act entitled "An act to authorize the incorporation of rural cemetery associations and regulate cemeteries."

Lands held by association shall adjoin each other.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the lands which any association incorporated under the act to which this is a supple-

ment shall take and hold in any county of this state, under and by virtue of said act, shall adjoin and be contiguous to each other, and shall not consist of separate tracts in different places in the same county; *provided*, that this shall not be taken to apply to cemetery grounds which lie immediately opposite each other on different sides of any public road or roads. Proviso.

2. *And be it enacted*, That no more than three cemeteries shall be located or placed under and by virtue of said act to which this is a supplement, in any one city, township or town in any county of this state. Not more than three cemeteries shall be located in any city, &c.

3. *And be it enacted*, That the municipal authorities of the city, town and township in which any cemetery is or shall be located, shall have the power and authority to pass, alter and repeal ordinances, to regulate interments, disinterments and the manner thereof, in any cemetery in said city, town or township, and to prescribe the penalty by fine not exceeding fifty dollars, in each case, or by imprisonment in the county jail not exceeding ten days in each case, or both, for any violation of any ordinance authorized by this act; and said municipal authorities or any authorized agent thereof, shall have the power and authority, at all times, to enter into and upon any cemetery within the limits of said municipality and examine into the condition of said cemetery, and whether the ordinances regulating the same are duly enforced. Powers of municipal authorities.

4. *And be it enacted*, That any recorder, police justice, or justice of the peace in any city, town or township of this state, be, and he is hereby empowered, on oath, affirmation or affidavit, made according to law, that any person or persons has or have been guilty of a violation of any such ordinance as aforesaid, to issue a process either in the nature of a summons or of a warrant, as to him may seem most advisable, against the person or persons so violating such ordinances, which process shall, when in the nature of a warrant, be returnable forthwith, and when in the nature of a summons be returnable in five entire days, and such process shall state what ordinance the defendant or defendants named therein has or have violated, and in what manner; and on the return of such process, or at the time to which the same shall be adjourned, the said recorder, police justice, or justice of the peace, as the case may be, shall proceed to hear the Civil officers empowered to issue process.

matter, and to determine and give judgment in the same, and if judgment be given for the plaintiff, execution shall forthwith issue against the goods, chattels and persons of the defendant or defendants, and all sums collected or recovered under this act shall be forthwith paid to the treasurer or collector of the city, town or township in which the same are collected, for the benefit of such municipality; *provided*, that in all cases where the fine or penalty shall exceed ten dollars, or where the punishment may be imprisonment, there may be a trial by jury, to be conducted as in cases triable by jury in the courts for the trial of small causes; *provided, however*, that said municipal authorities shall have the power to remit any penalty that may be inflicted or adjudged, upon application made to them.

Proviso.

Proviso.

Certificate of election of trustees and officers to be filed in office of county clerk.

5. *And be it enacted*, That every cemetery association shall annually, within ten days after its annual election, file in the clerk's office of the county wherein it is located, a certificate setting forth the names of the trustees and officers of said association.

Repealer.

6. *And be it enacted*, That all acts or parts of acts, inconsistent with this act, be and the same are hereby repealed, and this act shall be deemed to be a public act, and shall take effect immediately.

Approved March 23, 1883.

CHAPTER CXXXVI.

A Further Supplement to "An act to enable cities to supply the inhabitants thereof with pure and wholesome water" [Revision], approved April twenty-first, one thousand eight hundred and seventy-six.

Water commissioners may permit person to connect pipe.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of water commissioners, or other body or officers, who are authorized by law to manage any water works, shall have the privilege if they deem it best, to permit any person or persons, over or

through whose land or in front of the same, any pipe may be laid to connect with said pipe, upon their complying with such terms and regulations as such water board may require, and upon paying the regular rates for the use of said water.

City authorized to lay pipes through any town, township, &c.

2. *And be it enacted*, That any city which may have adopted or shall adopt the provisions of the said act, shall be and hereby is authorized and empowered to lay and relay water pipes and mains under and through any avenue, road, railroad, highway, street, lane or alley in any town, township, borough or village through which the water, required for the purposes of the said act, may be conveyed from its source or sources into the limits of the said city; *provided, however*, the consent of the municipal authorities of said town, township, village or borough shall first be obtained.

Proviso.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 23, 1883.

CHAPTER CXXXVII.

An Act constituting police courts in certain cities in this state.

Common council authorized to appoint police justices.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the common council of any incorporated city of this state of the third class to appoint, in the same manner as other appointed officers of such cities are appointed, one or more police justices for such city, not exceeding in number one for each three thousand inhabitants of such city or fraction thereof; *provided, however*, that every incorporated city shall be entitled to at least one such police justice.

Proviso.

Term of office.

2. *And be it enacted*, That every such police justice shall hold office for such term, not exceeding five years, as the common council may, by ordinance passed before his appointment, prescribe; *provided*, that the tenure of office of all

Proviso.

police justices in the same city shall be uniform, and shall not be changed during the term for which they shall be appointed; *provided, further*, that every such police justice shall be removable at any time by the common council, on good cause shown.

Proviso.

Shall take oath.

3. *And be it enacted*, That every such police justice shall, before he enters upon the duties of his office, take and subscribe an oath or affirmation, before an officer authorized by law to administer oaths, faithfully, fairly and impartially to execute the duties of his office to the best of his abilities and understanding; and shall enter into bond to the city, by its corporate name, with such freehold security and in such penalty not less than five hundred nor more than two thousand dollars, as the common council shall approve, conditioned for duly accounting to the proper authorities for all moneys that may come into his hands as such police justice, and for the payment of such moneys on demand to the person or persons entitled to receive the same.

Shall give bond.

Powers and jurisdiction.

4. *And be it enacted*, That the police justices appointed as aforesaid shall have the following and no other powers, authority and jurisdiction, to wit:

I. They shall be entitled to use and exercise the like power, authority and jurisdiction in all criminal matters and complaints arising in the cities for which they are appointed, respectively, as the justices of the peace in and for the several counties of this state are, or may be, by law entitled to use and exercise;

II. Any two such police justices in the same city shall be authorized and empowered to hear, try and determine all such matters and complaints, of a criminal nature, arising in the city for which they are appointed, as any two justices of the peace are, or may be, by law authorized and empowered to hear, try and determine, and shall be authorized to enforce their judgment and sentence in like manner as any two justices of the peace are, or may be, by law authorized so to do;

III. Every such police justice shall be authorized and empowered to hold a court within the city for which he shall be appointed, to hear, try and determine, according to law, all suits and actions which may be brought for the recovery of any penalty or penalties prescribed for the violation of any by-law or by-laws, ordinance or ordinances, of such city, and also to hear, try and determine, according to

law, all offenses charged before him by complaint in writing, on oath or affirmation, to have been committed in violation of any such by-law or by-laws, ordinance or ordinances, for which the punishment is by fine or imprisonment; every such court shall be a court of record, and vested for the purposes aforesaid, with all such power as is usual in courts of record of this state.

Proceedings, how conducted.

5. *And be it enacted,* That except when otherwise directed by this act, all proceedings before any police justice or police justices under the provisions of the first and second paragraphs of section four of this act, shall, as nearly as may be, be regulated by the provisions of and conducted in the manner prescribed in and by the several acts of the legislature of this state in and by which the like proceedings before justices of the peace are or shall be regulated, as said acts and the supplements thereto shall from time to time be in force; and, except when otherwise directed by this act, all suits, actions and proceedings before any police justice under the provisions of the third paragraph of section four of this act, shall, as nearly as may be, be regulated by the provisions of and conducted in the manner prescribed in and by an act of the legislature of this state entitled "An act constituting courts for the trial of small causes," and the several supplements thereto, as the same are and from time to time shall be in force.

Proceeding in suits of a civil nature.

6. *And be it enacted,* That in suits of a civil nature brought before any such police justice to recover any penalty or penalties, the first process to compel appearance shall be a summons, except when an affidavit is filed before such justice at the time the suit is instituted, made by a credible freeholder resident in the city, or a policeman of said city, setting forth that the defendant in the suit is not a resident of the city, or that he is not a freeholder in the county in which the city is situate, and also setting forth facts sufficient to show that said defendant has committed some act or acts in violation of some one or more by-laws or ordinances of the city, which render him liable to a civil action for a penalty or penalties, in which case the process may be a warrant in the nature of a *capias ad respondendum.*

Suits to be brought in corporate name of city.

7. *And be it enacted,* That all such suits as are mentioned in the last preceding section shall be brought in the corporate name of the city as plaintiff, unless otherwise provided by law.

When declaration shall be filed.

8. *And be it enacted*, That in any such suit the plaintiff's declaration shall be filed before the justice on or before the return day of the summons, or on the return of the warrant, or at the time of appearance mentioned in the recognizance, and in default thereof the plaintiff shall be non-suited, with costs; and in any such suit it shall be lawful to declare generally in debt for the penalty or penalties, and give the special matter in evidence; but the declaration shall contain a statement of the title and date of the adoption of each by-law or ordinance upon which the action is founded.

When judgment is rendered against defendant, execution shall be granted.

9. *And be it enacted*, That in case judgment in any such suit as aforesaid shall be rendered against any one or more defendants therein, said justice shall grant execution thereon against the goods and body of such defendant or defendants according to law.

Not to have jurisdiction over offense against by-law or ordinance until complaint is filed.

10. *And be it enacted*, That the police justice shall not have jurisdiction over any offense against any by-law or ordinance for which the punishment is by fine or imprisonment, until a complaint in writing, under oath or affirmation, shall have been filed before him, setting forth facts sufficient to satisfy such police justice that such an offense has been committed by the defendant or defendants, and specifying the title and date of adoption of each by-law or ordinance alleged to have been violated; and upon the filing of said complaint, said police justice shall issue a summons, unless the affidavit of a credible freeholder resident in the city, or a policeman of said city, shall also be filed before him, setting forth that the defendant is not a resident of the city, or that he is not a freeholder in the county in which the city is situate, in which case said justice shall issue a warrant against said defendant; such summons shall be returnable not less than two nor more than ten days from the issuing thereof, and shall command the officer to whom the same is directed, to summon the defendant to answer the complaint of (naming the person by whom complaint has been made as aforesaid), and in other respects shall conform, as nearly as may be, to writs of summons issued out of the courts for the trial of small causes, and shall be served and returned in the same manner; such warrant shall be returnable forthwith, and shall specify the person making the complaint as aforesaid, and in other respects shall conform, as nearly as may be, to warrants issued out of the courts for the trial of small causes.

May adjourn hearing for ten days, &c.

11. *And be it enacted*, That at the time of appearance mentioned in the summons, or on the return of the warrant, the police justice may, in his discretion, if the circumstances of the case require it, adjourn the hearing upon such complaint for any time not exceeding ten days, and, where the proceeding is by warrant, may cause the defendant to enter into recognizance with surety for his appearance at the time to which the said hearing shall be adjourned, which recognizance, and all other recognizances entered into before any such police justice, shall be valid and binding, and may be collected in the same manner as recognizances taken in any court for the trial of small causes; and if the defendant, being ordered so to do, shall fail to make such recognizance as aforesaid, it shall be lawful for said justice to order him committed to the jail of the county or to be kept in the custody of any of the executive officers hereinafter specified, until the hearing upon the complaint.

Proceedings on the return of process.

12. *And be it enacted*, That on the return of the process in the tenth section mentioned, or at the time to which the justice shall have adjourned the matter, the said justice shall proceed to hear testimony, and to determine and give judgment and pronounce sentence in the matter, without the filing of any pleadings.

Summons and warrant shall contain statement.

13. *And be it enacted*, That every summons and warrant issued as aforesaid, by virtue of the provisions of the third paragraph of section four of this act, shall, in addition to the other matters required by law, contain a statement of the title and date of adoption of each by-law or ordinance upon which the suit, action or proceeding in which the same is issued is founded, and shall also sufficiently show whether the same is issued in a suit for a penalty, or in a proceeding to punish the defendant by fine or imprisonment.

Writs, &c., shall run in and through county.

14. *And be it enacted*, That all writs, precepts and processes issued by any police justice under this act, shall run in and through the county in which the city for which he is appointed is situate, and he may in any matter pending before him award writs of subpœna into any county of this state.

Defendant may demand trial by jury.

15. *And be it enacted*, That in every suit, action or proceeding under the provisions of the third paragraph of section four of this act, the defendant may, at any time before said police justice has proceeded to inquire into the merits

of the case, demand a trial by jury, which the said police justice is hereby required to grant; and thereupon a venire for a jury of twelve men shall be issued and executed in accordance with the provisions of section thirty-three of "An act constituting courts for the trial of small causes."

When person summoned fails to appear, justice may issue warrant.

16. *And be it enacted*, That if any person being duly summoned to appear as a juror or witness before any such police justice shall fail so to appear, it shall be lawful for the justice to issue a warrant, under his hand and seal, for the apprehension of the person so failing, which warrant shall be returnable before such justice forthwith; and upon such person being apprehended, the said justice may, if necessary for the proper trial of the suit, action or proceeding in which such person was summoned, order him to be released on giving bail with sureties, or, in default thereof, to be held in custody for his future appearance at such short day as the case may require.

Books of record shall be received as evidence.

17. *And be it enacted*, That in any suit, action or proceeding before any such police justice, under the provisions of the third paragraph of section four of this act, and in any proceedings taken to review the same, the books of record of the by-laws and ordinances of the city shall be taken and received as evidence of the due passage of all by-laws and ordinances recorded therein, and any book or pamphlet of by-laws or ordinances printed by authority of the common council shall in like manner be taken and received as evidence of the due passage thereof; and the publication of said by-laws and ordinances in the manner prescribed by law shall in all cases be presumed to have been done until the contrary be proved.

Constable or police officer may execute summonses, warrants, etc.

18. *And be it enacted*, That any constable of the county in which such city is situate, and any marshal, assistant marshal or police officer of such city, shall and may lawfully act in the execution of any and all summonses, warrants, subpœnas, venires, writs and process whatsoever issued by any such police justice, and are hereby authorized, empowered and required to do and perform all such acts, matters and things under the direction and warrant of any such police justice as any constable may now or hereafter be authorized, empowered and required by law to do and perform under the direction and warrant of the justices of the peace in and for the several counties of this state.

Warrant of commitment.

19. *And be it enacted*, That it shall be lawful for any such police justice by whom judgment or sentence of imprisonment shall be given, to issue his warrant, under his hand and seal, to any of the executive officers aforesaid, commanding him to take and convey the defendant to the common jail of the county, there to remain until the term of imprisonment shall have expired, and from thence until the costs of prosecution be paid; and in case the defendant shall be adjudged to pay a fine, then it shall be lawful for the justice either to order the defendant to be committed to the county jail until the fine and costs are paid, or to issue an execution to any officer as aforesaid, commanding him to levy and make such fine and the costs of prosecution of the goods and chattels of the defendant, and, for want of goods and chattels, to take and convey such defendant to the county jail as aforesaid, thence to remain until such fine and costs, or the balance thereof remaining due, shall be paid.

Duty of sheriff and jailer

20. *And be it enacted*, That it shall be the duty of the sheriff and jailer of the county to receive all persons who shall be apprehended or committed to jail as aforesaid, and to keep the same as prisoners in the same way and under the same regulations and penalties as other prisoners are by law required to be kept.

Proceedings in civil suit subject to review by certiorari, appeal, &c.

21. *And be it enacted*, That the judgments, orders and proceedings had before any such police justice, in any civil suit brought to recover a penalty or penalties, shall be subject to review by certiorari, appeal, or otherwise, in all respects the same and under the same regulations, restrictions and limitations, as the like judgments, orders and proceedings in the courts for the trial of small causes are, or may be, by law reviewable; and all judgments, orders and proceedings had before any such police justice upon any complaint for the violation of any by-law or ordinance, punishable by fine or imprisonment, shall be reviewable at the instance of any defendant therein, by appeal to the next court of general quarter sessions of the peace of the same county, which appeal shall be taken by notice in writing, filed before said justice, within ten days after the judgment, order or proceeding appealed from, and shall operate as a stay of execution or of sentence of imprisonment; *provided*, the defendant shall, where sentenced to imprisonment, enter into recognizance before said justice with sufficient security,

Proviso.

conditioned that he shall appear before said court of quarter sessions, and answer to said complaint, and abide the judgment of the court and not depart without leave, and where sentenced to pay a fine, the execution thereon shall stand as security for the payment of the fine and costs in case the judgment shall be affirmed; *provided, further*, that such execution shall be set aside upon the defendant entering into bond, with sufficient security, conditioned for the payment of the fine and costs, if the judgment shall be affirmed; and every such appeal to the quarter sessions shall be heard, tried and determined under such rules and orders as the said court may prescribe for the proper determination of the same.

Proviso.

Proceedings in certain cases reviewable in same manner as before justices of the peace.

22. *And be it enacted*, That all judgments, orders and proceedings had before any such police justice or justices, by virtue of the first and second paragraphs of section four of this act, shall be reviewable in the same cases only and under the same regulations, restrictions and limitations as the same or similar judgments, orders and proceedings before any justice or justices of the peace, are or may be by law reviewable.

Fees and charges, how collected.

23. *And be it enacted*, That the same fees and charges shall be taxed and collected for any and all services performed under this act, as are or may be provided by law for like services in other matters, and shall be recovered in the same manner; *provided*, that in all cases where the officers performing any such service or services shall receive a regular salary from such city, he shall not be entitled to or receive any compensation for services performed under this act, and the fees charged and collected for such services shall be paid into the treasury of such city.

Proviso.

Words construed.

24. *And be it enacted*, That the word city, wherever it occurs in this act, shall be taken to include every incorporated borough, town and city of the third class in the state.

25. *And be it enacted*, That this act shall be deemed a public act, and shall take effect immediately.

Approved March 23, 1883.

CHAPTER CXXXVIII.

An Act to amend an act entitled "An act to establish a system of public instruction" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section twenty-six of the act entitled "An act to establish a system of public instruction" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four, be and the same is hereby amended so as to read as follows: Section amended.

26. *And be it enacted*, That he shall have power to withhold that part of the state appropriation derived from the revenue of the state from any district in which the inhabitants fail to provide a suitable school building and outhouses; *provided*, that no building of two or more stories, used for the purpose of public instruction, in which any of the doors, at places of exit, are so constructed as to open inwardly, shall be considered a suitable school building within the meaning of this section. Section as amended. Proviso.

Approved March 23, 1883.

CHAPTER CXXXIX.

A Supplement to an act entitled "An act to prevent the adulteration of food or drugs," approved March twenty-fifth, one thousand eight hundred and eighty-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of the act to which this is a supplement be amended so as to read as follows: Section amended.

Unlawful to sell adulterated articles of food or drugs.

Penalty.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no person shall manufacture, have, offer for sale, or sell any article of food or drugs which is adulterated within the meaning of this act, and any person violating any of the provisions of this act shall be liable to a penalty of fifty dollars for a first offense, and one hundred dollars for a second or any subsequent offense.

Section amended.

2. *And be it enacted*, That section five of the act to which this is a supplement, be amended so as to read as follows:

State board to take cognizance.

May appoint analysts, &c.

5. *And be it enacted*, That the state board shall take cognizance of the interest of the public health as it relates to the sale of foods and drugs, and the adulteration of the same, and make all necessary inquiries and investigations relating thereto; it shall also have the appointment and supervision of public analysts and chemists, or inspectors, to serve for general service, or for such special service or length of time as it may deem necessary; and the board of health shall, from time to time, meet and adopt such measures as it may deem necessary for the enforcement of this act, and of the act to which it is a supplement, and prepare rules and regulations with regard to the proper method of collecting and examining articles of food or drink, or drugs; and the analysts, chemists or inspectors appointed may act singly or associated in a council for such time as may be approved or authorized by said board.

Section amended.

3. *And be it enacted*, That section seven of the act to which this is a supplement, be amended so as to read as follows:

Penalty for violating provisions of act.

7. *And be it enacted*, That any person violating any of the provisions of this act, and any person who shall hinder, impede, obstruct or otherwise prevent any analyst, inspector or prosecuting officer, in the performance of his duty, shall be liable to a penalty of fifty dollars for the first offense, and one hundred dollars for a second or subsequent offense.

Process, how and by whom issued.

4. *And be it enacted*, That every district court in any city, and every justice of the peace in any county, and any police justice or recorder in any city, is hereby empowered, on oath or affirmation made according to law that any person or persons has or have violated any provision of the act to which this is a supplement, to issue process at the suit of any person, either in the manner of a summons or warrant, against the person or persons so charged, which process shall, when in the nature of a warrant, be returnable forthwith,

and when in the nature of a summons, shall be returnable in not less than one nor more than ten entire days; such process shall state what provision of the law is alleged to have been violated by the defendant or defendants; and on the return of such process or at any time to which the trial shall have been adjourned, the said court, justice of the peace, police justice or recorder shall proceed to hear testimony and to determine and give judgment in the matter, without the filing of any pleadings; and the said court, justice of the peace, police justice or recorder shall, if judgment be rendered for the plaintiff, forthwith issue execution against the goods and chattels and person of the defendant or defendants; and the said court, justice of the peace, police justice or recorder is further empowered to cause any such defendant who may refuse or neglect to pay the amount of the judgment rendered against him and all the costs and charges incident thereto, unless an appeal is granted, to be committed to the county jail for any period not exceeding ninety days; but no district court of any city, justice of the peace, police justice or recorder shall have jurisdiction of any offense against the act to which this is a supplement, which offense shall take place outside of the territorial jurisdiction of such district court, justice of the peace, police justice or recorder, as such territorial jurisdiction is now established by law.

Officers to serve process.

5. *And be it enacted*, That the officers to serve and execute all process under this act shall be the officers authorized by law to serve and execute process in said courts, and before such magistrates and officers as aforesaid, including the constables of such counties and all police officers of such cities.

Penalties, how disposed of.

6. *And be it enacted*, That all penalties imposed under the act to which this is a supplement shall be disposed of as follows: In case the suit is brought by any officer appointed by the state board of health, the penalty shall be paid into the treasury of this state; in case the suit is brought by any officer of any local board of health or of any city, borough, town or township, the penalty shall be paid into the treasury of said local board of health, city, borough, town or township; in case of any suit not otherwise provided for, the penalty shall be paid to the person bringing the suit.

State board authorized to expend certain sum annually.

7. *And be it enacted*, That the state board of health shall be authorized to expend annually, in addition to all sums

already appropriated for such board, an amount not exceeding one thousand dollars for the purpose of including in its work the carrying out of the provisions of this act and for the protection of the public health.

Powers of analyst or inspector.

8. *And be it enacted*, That any analyst or inspector appointed by the state board of health, and any inspector or other officer of any local board of health, shall have power to inspect any article of food, or drugs, wherever exposed for sale, or offered or held for sale, or whether in transit or otherwise; and if, upon inspection of such food or drugs, the same shall be found adulterated within the meaning of this act or the act to which this is a supplement, the said inspector or other officers aforesaid shall have power and may prohibit the sale or disposal of said articles until decision shall be rendered by the court, justice of the peace, recorder or police justice before whom the defendant may be brought.

Act, how construed.

9. *And be it enacted*, That this act shall not be so construed as to interfere with the special provisions of an act, approved March fourth, eighteen hundred and eighty-two, entitled "An act to prevent the adulteration and to regulate the sale of milk."

10. *And be it enacted*, That this act shall take effect immediately.

Approved March 23, 1883.

CHAPTER CXLI.

A Supplement to an act entitled "An act authorizing the formation of partnership associations in which the capital subscribed shall only be responsible for the debts of the associations, except under certain circumstances," approved March twelfth, one thousand eight hundred and eighty.

Association empowered to hold real estate.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any partnership association, formed or to be formed under the act to which this is a sup-

plement, shall have power to purchase and hold real estate and dispose of the same in fee simple, or for a less estate, the title thereof to be in the name adopted by such association, and shall be as valid and effectual in law or equity as if the same were held in the individual names of the partners of said association, and every deed or conveyance of the same and every mortgage for purchase or borrowed moneys, shall be made in the name adopted by said association, and executed in the same manner as set forth in section ten of the act to which this is a supplement.

Title to real estate held by associations heretofore formed, made valid.

2. *And be it enacted*, That any association heretofore formed under the act to which this is a supplement, now holding any real estate in their association name, either by purchase or subscription, the title thereof shall be as good and effectual in law or equity as if the same were acquired after the passage of this act.

3. *And be it enacted*, That this act shall be considered as a public act, and shall take effect immediately.

Approved March 23, 1883.

CHAPTER CXLII.

An Act to better regulate and control a day and night police force in certain townships of this state.

Certain township committees may transfer authority to commissioners of police.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in townships of this state where the township committee has been authorized by law to provide by ordinance for the establishment, regulation and control of a day and night police or police force, the said township committee are hereby authorized and empowered, at any regular meeting thereof, or at any special meeting called for the purpose, and held either in the month of March or in the month of April, next after the passage of this act, to commit and transfer their said authority and power, in relation to said police, by resolution by them or majority of them adopted, to three commissioners of police

to be by said township committee appointed at a meeting held as aforesaid.

Commissioners must be citizens of township.

2. *And be it enacted*, That the said commissioners and their successors must be citizens of the township in which they may be appointed, and must have been resident therein for at least one year prior to their appointment; and before entering upon their duties they shall make oath or affirmation, before the township clerk, that they will well and faithfully perform all the duties devolving upon them as such commissioners.

Commissioners shall meet for organization.

3. *And be it enacted*, That said commissioners shall, on the first Tuesday in May next, after their appointment, between the hours of seven and eight o'clock in the evening, meet at the place of meeting of said township committee, or at such other place as the committee may designate, and organize by election of one of their members as president to serve for one year, and annually thereafter they shall elect a president, which president shall preside over their meetings and perform such other duties as may be assigned to him; and the clerk of the township, who is hereby appointed the clerk of said board of commissioners, shall attend at such meeting and perform the duties of clerk, and thereafter he shall continue to be the clerk of said board of commissioners; in case of his absence at any meeting, the commissioners may appoint one of their number to serve as clerk in his stead.

After organization the control, &c., of police vested in commissioners.

4. *And be it enacted*, That from and after the organization of said board of commissioners, the regulation, control, appointment and management of the police of the township shall devolve upon and be vested in them and their successors in office, who are hereby empowered to adopt such by-laws, rules and regulations for their own government, and the government of the officers and persons under their charge and control, as will secure an efficient administration of the affairs of the department; *provided, however*, that neither this section nor anything hereinbefore contained shall be construed as empowering them to raise money for their purposes—the right to do so is hereby declared to be and is to remain with the township and its committee and officers as heretofore, subject only to such changes as this act may render necessary.

Proviso.

Term of office of commissioners.

5. *And be it enacted*, That said commissioners shall hold office as follows, viz.: one for three years, one for two years,

and one for one year, which is to be determined by lot at the first meeting held by them under this act, immediately after assembling, in the presence of the clerk, and before the election of president; and the said clerk is directed to make a minute of the same as part of the proceedings of the meeting; and thereafter each year the township committee, at their meeting in the month of March or April, shall elect a commissioner, whose term shall be three years, to commence from the first Tuesday in May next ensuing; but each of the commissioners under this act shall continue to exercise his duties until his successor is duly chosen and qualified; said commissioners shall be entitled to receive no compensation, except such as the township committee may allow them; vacancies arising by resignation or otherwise may be filled by the township committee, but the person appointed to fill the vacancy of any of said commissioners shall hold office for the unexpired term only.

Vacancies, how filled.

6. *And be it enacted*, That the police officers and men appointed and to be appointed by the commissioners under this act shall hold office during good behavior.

Term of office of police.

7. *And be it enacted*, That all acts or parts of acts, general or special, inconsistent with this act, be and are hereby repealed, and this act shall take effect immediately.

Repealer.

Approved March 23, 1883.

CHAPTER CXLIII.

An Act relative to the appropriation of money devoted to the sinking fund of certain towns in this state.

Preamble.

WHEREAS, Certain towns in this state have, in pursuance of acts of the legislature, issued bonds, and have established sinking funds in conformity therewith for the redemption thereof; *and whereas*, it may happen that there be money in the said fund to meet the payment of such bonds and interest, or a part thereof, before the maturity of the same; therefore,

Governing body authorized to cancel bonds.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the common council or governing body of such town having charge of such sinking fund, and which was created for the payment of such bonds issued by authority of law, to cancel all bonds which they may be able to procure by purchase, at a price not exceeding their par value, and in case the holders thereof refuse to redeem or dispose of the same before maturity, and a surplus remains in said fund, then it shall be lawful for such common council or governing body to invest such surplus in bonds issued in pursuance of law by the trustees of any school district lying within the corporate limits of such town, and to hold the same for the use and benefit of such sinking fund; *provided*, that such bonds become due and payable at or before the maturity of the bonds for which such sinking fund was established.

Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 23, 1883.

CHAPTER CXLIV.

Supplement to an act entitled "A further supplement to an act entitled 'An act concerning taxes,'" approved April fourteenth, one thousand eight hundred and forty-six, and which said supplement was approved April eleventh, one thousand eight hundred and sixty-six.

Section amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section thirteen of said act to which this is a further supplement be amended so as to read as follows:

Assessors shall compute whole value of real and personal estate after deduction of debts, &c.

"13. *And be it enacted*, That the board of assessors, when met as aforesaid, shall compute and ascertain the whole value of real and personal estate after the deduction of debts, to be taxed according to the value thereof, contained in the duplicates of the several assessors or estimated as

aforesaid, and shall fix and adjust the proportion or quota of tax to be levied and collected in each township or ward in proportion to said value; *provided*, that if it shall appear to the assessors, so met as aforesaid, *from a careful, particular and thorough comparison of the said respective duplicates*, that the value of the property contained in any duplicate is relatively less than the value of other property in the county, they may, for the purpose of fixing and adjusting the said proportion or quota, and for that purpose only, add thereto such percentage as shall appear to them just and proper, *and warranted by said comparison*, but not otherwise; and it shall be the duty of such assessors, at such meeting, to make out two abstracts of the net value of the taxable real and personal property, designating the amount of real estate and personal property in each township and ward, which shall be signed by every assessor present, and shall within three days be delivered to the county collector, who shall forthwith file one of them and transmit the other to the comptroller of the state, for the use of the legislature; and each of the said assessors shall, within fifteen days after said meeting, deliver to the collector, whose duty it is to collect the taxes by him assessed, a true transcript or duplicate of the assessment of taxes for the said township (or ward) completed as herein directed, and by him certified under his hand, to be a true duplicate of the taxes assessed; *and provided, also*, that if a majority of the assessors of the county shall fail to meet on the day prescribed by law, those met shall adjourn from day to day, at the same place, until a majority shall attend."

Proviso.

Duty of assessors.

Abstracts to be filed with county collector and state comptroller.

Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 23, 1883.

CHAPTER CXLV.

An Act to further regulate the licensing of inns and taverns, and places for the sale of malt, vinous, spirituous and other intoxicating liquors or drinks.

What application shall contain.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in every application which shall be hereafter made to any court of common pleas, or any of the judges thereof, for license to keep an inn or tavern, or to sell malt, vinous, spirituous or other intoxicating liquors or drinks, the applicant shall clearly designate in the written application the locality and building in which it is proposed to keep such inn or tavern, or place for the sale of such malt, vinous, spirituous or other intoxicating liquors or drinks; and every freeholder recommending the granting of such license shall, in the written recommendation to be presented to the court or judges thereof, clearly designate his place of residence, naming the road, street or other public way, and the part thereof on or nearest to which such residence is situate; and each freeholder shall also clearly designate in such recommendation the location and nature of the real property, by virtue of the ownership of which he shall sign such recommendation; and any license which shall be granted upon any application and recommendation which does not comply with the requirements of this act shall be void.

Unlawful to put or keep sign on premises without having license.

2. *And be it enacted*, That it shall not be lawful for any person not having a license to sell malt, vinous, spirituous or other intoxicating liquors or drinks, to put or keep upon or near his or her dwelling-house, shop or other building or place, any sign or other device usually employed or appropriate to denote the sale of such liquors or drinks; and every person so offending shall forfeit and pay five dollars for every month that the same shall be so kept up, to be recovered by action of debt, with costs, by any person who shall

Penalty.

sue for the same, before any justice of the peace in the county where the offense shall be committed.

3. *And be it enacted,* That this act shall take effect immediately.

Approved March 23, 1883.

CHAPTER CXLVI.

An Act to authorize cities of the first class of this state to erect armories and to provide for the payment for the costs of erection.

Certain cities authorized to erect armories.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That it shall be lawful in any city of the first class of this state not now having an armory for the use of the state militia, for the authorities of said city to build and erect in said city an armory for the use of the state militia, at a cost not exceeding the sum of forty thousand dollars.

Commissioners may be appointed.

2. *And be it enacted,* That for the purpose of procuring a site for said armory and providing for its erection, the mayor of any such city shall nominate and appoint, with the advice and consent of the board of aldermen or council of said city, three commissioners, who shall be residents and freeholders in said city; that said commissioners shall have power to purchase a proper site for said armory, have plans and specifications prepared for the erection of said armory, advertise for proposals for the erection of the same, and award the contract or contracts for the erection of the same, and generally superintend the same during its course of erection; and said commissioners shall receive five hundred dollars each for the performance of this service when said armory is erected; and that the payments for the site and the costs of the erection of said armory shall be paid by the municipal authorities of such city having the management and control of the finances of such city, upon the certificate

Powers.

Compensation.

Cost of armory, how paid.

of said commissioners from time to time given to and filed with such last named financial board.

To be erected by contract.

3. *And be it enacted*, That all work and labor and materials done and furnished for the erection of said armory shall be done and furnished by contract awarded by said commissioners, upon at least two weeks' advertisement in the official papers of said city, to the lowest bidder or bidders for the same.

May issue bonds.

4. *And be it enacted*, That the municipal board of any such city having the management and control of the finances of such city, are hereby authorized and empowered to issue bonds, either registered or coupon bonds, in amount not exceeding the sum of forty thousand dollars, to raise money to pay for the site of and the erection of said armory; that said bonds shall be payable in twenty years from the date thereof, and shall bear interest at a rate not exceeding four and one-half per centum per annum, and that there shall be a sufficient amount appropriated and put in the tax levy of such city in each year to pay the interest on such bonds; and, also, there shall in each year be appropriated and put in the tax levy of such city the further sum of two thousand dollars towards the payment of said bonds, to be invested either in United States or city bonds, and deposited in the sinking fund of such city, to answer the payment of said bonds when they shall become due and payable.

Bonds, when due.

Rate of interest.

Bonds to be paid by taxation.

5. *And be it enacted*, That this act shall take effect immediately.

Approved March 23, 1883.

CHAPTER CXLVII.

An Act relating to re-assessments in cases where a former assessment is or has been vacated, not as a whole, but as to one or several prosecutors only.

Proceedings in cases where a former assess-

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases where an assess-

ment of benefits for a local improvement in any city of this state shall have been or shall be set aside by the supreme court of the state, not as a whole, but only as to the persons prosecuting such suit, the common council or other legislative body of said city may appoint three commissioners, being freeholders and residents therein, whose duty it shall be to ascertain and determine, to the best of their judgment, the actual and peculiar benefit which the property affected by said suit has received from the said improvement for which it was originally assessed; and the said commissioners are hereby authorized and empowered to re-assess upon the said property an amount equal to the said benefit; in making such re-assessment the said commissioners shall assess upon the said property no more than the proportionate amount of the costs of said improvement which said property should bear in comparison with other property benefited thereby, and they shall so state in their report; but it shall not be necessary for said commissioners to set out at length in said report the amount of the benefits to any other property than that which is affected by their said proceeding.

ment is or has been vacated, not as a whole, but as to the persons prosecuting.

2. *And be it enacted*, That each of the said commissioners, before they enter upon the execution of the duties required of them, shall severally take and subscribe an oath or affirmation before an officer authorized to administer oaths and affirmations, to make the said assessment fairly, legally and equitably, according to the best of their skill and understanding; and the said commissioners shall receive such compensation for their services as may be fixed by the common council or other legislative body.

Commissioners shall take oath before entering upon duties.

Compensation.

3. *And be it enacted*, That before completing their said assessment, the said commissioners shall cause notice to be given, in the manner now required by law in such cases, of the time and place of hearing any objections that may be made thereto, and after hearing the same they shall make a report of their said assessment to the said common council or other legislative body; upon the coming in of any such report signed by the said commissioners, or any two of them, the said common council or other legislative body may confirm, modify or reject the same; in case of rejection, appoint other commissioners to make said assessment, who shall proceed in the same manner as herein provided for commissioners first appointed, and so, from time to time, until a report shall

Commissioners shall give notice of time and place of hearing objections, &c.

be made or returned which the said common council or other legislative body shall confirm; the said report, when so confirmed, shall be final and conclusive, as well upon the said city as upon the owners of any land and real estate affected thereby, and the said assessment shall be a first lien upon the property so assessed, and shall be collected and enforced in all respects as now authorized by law in the city wherein said assessment is made.

Repealer.

4. *And be it enacted*, That all acts or parts of acts inconsistent herewith are hereby repealed, and this act shall be a public act and go into effect immediately.

Approved March 23, 1883.

CHAPTER CXLVIII.

An Act in relation to volunteer fire departments of cities of the second class.

Charters of volunteer fire departments expiring by limitation extended for ten years.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any city of this state where the charter of any volunteer fire department of said city shall expire by limitation of the charters thereof, that said charters shall be and the same are hereby extended for the term of ten years from the date of this act.

When accumulated fund shall revert to exempt association.

2. *And be it enacted*, That in any city of this state where the volunteer fire departments of said city shall have accumulated a fire department fund for the benefit of said department, that on the expiration of the charters of said departments, by limitation of law or otherwise, and where said fire departments shall maintain an existence as an exempt fire association, that any fund accumulated as aforesaid shall revert to and be the property of said exempt association as aforesaid.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 23, 1883.

CHAPTER CXLIX.

An Act concerning certain townships in this state.

Township committee authorized to change title from township to town, in certain cases.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the township committee of any township in this state, existing under and governed by a special charter, to change, by ordinance, the title and designation of such township, from township to town, so that such township shall be thereafter known and designated as a town instead of a township; *provided, however*, that a certified copy of such ordinance, under the seal of the township, shall be filed with the secretary of state within thirty days after its adoption.

Proviso.

Charter of township shall apply, &c.

2. *And be it enacted*, That the charter of any such township, and all acts supplementary thereto, and amendatory thereof, shall apply to and continue to govern such township after the change aforesaid.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 23, 1883.

CHAPTER CL.

A Supplement to an act entitled "An act for the punishment of crimes," approved March twenty-seventh, one thousand eight hundred and seventy-four.

Penalty for breaking and entering railway car, canal boat, ship or vessel.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whoever shall willfully and maliciously break and enter any railway car, canal boat, ship or vessel, with intent to rob, steal or commit any mali-

cious mischief, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine not exceeding five hundred dollars, or imprisonment at hard labor not exceeding five years, or both.

Penalty for entering railway car, canal boat &c.

2. *And be it enacted*, That whoever shall willfully and maliciously, without breaking the same, enter any railway car, canal boat, ship or vessel, with intent to rob, steal or commit any malicious mischief, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be punished by a fine not exceeding three hundred dollars, or imprisonment at hard labor not exceeding three years, or both.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 23, 1883.

CHAPTER CLI.

A Further Supplement to an act entitled "An act concerning townships and township officers," approved April twenty-first, one thousand eight hundred and seventy-six.

Term of office of certain township committee.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in the several townships of this state in which the township committees consist of three persons, the members thereof shall hereafter be elected for the term of three years; *provided, however*, that at the first annual town meeting held in such townships after the passage of this act, the ticket voted shall designate the name of one member of the town committee for one year, the name of another for two years, and the name of a third for three years, and at each succeeding election one member of the township committee shall be elected for the term of three years.

Proviso.

Vacancies, how filled.

2. *And be it enacted*, That all vacancies in the office of members of the township committee in such townships shall be filled for the unexpired term only.

Approved March 23, 1883.

CHAPTER CLII.

A Supplement to an act entitled "An act for the construction, maintenance and operation of water works for the purpose of supplying cities, towns and villages of this state with water," approved April twenty-first, eighteen hundred and seventy-six.

Aqueduct or water company authorized to extend mains beyond limits of city, borough or town.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for any aqueduct or water company organized under the act to which this is a supplement, or specially chartered for the purpose of supplying any city, borough or town with water, to extend its mains outside and beyond the corporate limits of such city, borough or town, along any road or street leading therefrom, for the purpose of supplying the dwellers along such road or street with water, provided a majority in frontage of the owners of land fronting on such road or street, or of any portion thereof, proposed to be supplied, shall consent thereto in writing.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 23, 1883.

CHAPTER CLIII.

A Supplement to an act entitled "An act for the incorporation of fire companies," approved April twenty-first, one thousand eight hundred and seventy-six.

Volunteer fire departments in certain counties may ap-

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any of the volunteer fire companies incorporated under the act to which this is a sup-

point members to perform police duty at fires.

plement, in any of the counties of the fourth class in this state, may in their by-laws provide for the appointment of certain of their members to perform police duty at any fire where said company shall act, which members thus appointed to do police duty shall wear a badge when on duty at any fire, stating such office; and they shall have the power and authority to keep persons who are not members of any fire or hose company, or of any hook and ladder organization, and who are not the owners or tenants of the burning building, far enough away from the place of fire as that such persons will not interfere with the duties of the firemen; and in case of refusal to obey their orders, such fire police may arrest the persons who disobey, and keep them under arrest until the fire is extinguished; and on complaint before a justice of the peace, such offender, if found guilty, shall be sentenced to pay a fine not exceeding ten dollars and costs.

Powers.

2. *And be it enacted*, That this act shall be deemed a public act and shall take effect immediately.

Approved March 23, 1883.

CHAPTER CLIV.

An Act to prevent the spread of contagious diseases of animals.

Poultry or animals dying of contagious diseases shall be buried not less than two feet under ground.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all persons who shall own or have in their possession any poultry or animals of any kind which may come to their death by reason of any contagious disease, shall, within twenty-four hours after such death, bury such poultry or animals under the surface of the earth to a depth not less than two feet; any person or persons neglecting or refusing to comply with the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be liable to a fine not exceeding two hundred dollars or imprisonment in the county jail not exceeding six months.

Penalty.

2. *And be it enacted*, That this act shall be deemed a public act and take effect immediately.

Approved March 23, 1883.

CHAPTER CLV.

An Act concerning cities.

Common council of certain cities authorized to elect city attorney.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the common council or other legislative body of the several cities of the third class be and they are hereby authorized to elect a city attorney, who shall be a counselor-at-law, and shall hold his office for the term of three years, and until his successor shall be duly appointed and qualified; he shall perform such service and receive such compensation as the common council or other legislative body shall by ordinance prescribe; *provided, however*, that this act shall not apply to any city wherein a like officer is provided for in its act of incorporation.

Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 23, 1883.

CHAPTER CLVI.

An Act concerning street and sewer improvements in cities of the second class.

Proceedings in case report in matter of street or sewer improvement is defective, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any report made by commissioners or by the proper board of assessments in any city of the second class in any matter of street or sewer improvement, shall be defective in matter of form, or shall be referred back for amendment or alteration, it shall be lawful for such commissioners or proper board of assessments to correct the same and file an amended report, and such

amended report may be considered and treated as the original and proper report in such case, and may be adopted and confirmed at any time within three months from the filing thereof; and the proceedings for such improvement shall not abate, but may be proceeded with as if said report had been filed in due time under the provisions of the charter of such city.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 23, 1883.

CHAPTER CLVII.

A Further Supplement to the act entitled "An act for the construction, maintenance and operation of water works, for the purpose of supplying cities, towns and villages with water," approved April twenty-first, one thousand eight hundred and seventy-six.

Section amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the first section of the act entitled "A supplement to the act entitled 'An act for the construction, maintenance and operation of water works, for the purpose of supplying cities, towns and villages with water,'" approved April twenty-first, one thousand eight hundred and seventy-six, which said suppplement was approved the ninth day of March, one thousand eight hundred and seventy-seven, be and the same is hereby amended so that the first section will read as follows, to wit:

Company may issue bonds.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That every company, organized under the act to which this is a supplement, may make and

Rate of interest.

issue bonds, with or without coupons attached, bearing interest not exceeding seven per centum per annum, to borrow money or to secure any indebtedness created by them, and sell, exchange, or otherwise dispose of the same upon such terms and conditions as they may deem advisable; and such

bonds and the interest thereon may be secured by mortgage or mortgages given or executed to a trustee or trustees for the use of the bondholders, upon the corporate franchises, real and personal estate, and all other property of such company or any part thereof; *provided*, they shall not issue bonds for a greater sum than the full amount of their capital stock paid in, including any former loans. Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 23, 1883.

CHAPTER CLVIII.

An Act authorizing Baptist churches to change their corporate names.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any Baptist church in this state, whether incorporated under general or special laws, shall be desirous to change its corporate name, it shall and may be lawful for such church, at a meeting of the members thereof, held in its church building or usual place of meeting, by a majority vote of the members present at such meeting, to change its corporate name; *provided*, at least ten days' previous notice be given of the time, place and hour of such meeting by notice posted in a conspicuous place at or near the usual place of meeting of said church, signed by the clerk, or clerk *pro tempore* of such church. Authorized to change corporate name. Proviso.

2. *And be it enacted*, That it shall be the duty of any such church changing its name as aforesaid, to make a certificate in writing setting forth and certifying that notice of such meeting had been given in the manner aforesaid, the former name of such church and the name to which the same has been changed, with such other proceedings as may be had concerning such change of name at such meeting, which said certificate shall be signed by the chairman or presiding officer of such meeting and the clerk thereof, and shall be duly verified by the oath or affirmation of such clerk, and shall Certificate of change of name, how made.

To be filed and recorded in office of county clerk.

be filed in the office of the clerk of the court of common pleas of the county embracing the place of the location of such church, and shall be recorded by the said clerk in his said office; and that from and immediately after the filing and recording of such certificate, such church shall be known by the name, title and designation to which the same has been changed as aforesaid, and by such name shall be entitled to all the benefits and privileges and subject to all the limitations and restrictions as it was before said change was made.

Repealer.

3. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed, and that this act shall be deemed and taken to be a public act, and shall take effect immediately.

Approved March 23, 1883.

CHAPTER CLIX.

An Act to provide for improvements in the state prison.

Board of inspectors and supervisor authorized to erect gas works

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of inspectors and the supervisor of the state prison be and they are hereby authorized and directed to remove the present gas works from the dangerous position in which they are now situated, and to cause to be erected, at a safe and proper distance from the other prison buildings, the necessary works to supply the prison with gas.

Appropriation to defray expenses.

2. *And be it enacted*, That the sum of seven thousand dollars, or so much thereof as may be necessary, is hereby appropriated to defray the expense attendant upon the erection and fitting up the gas works hereby provided for, and the said moneys shall be drawn from the treasury in the manner provided in section three of this act concerning the appropriation for additional rooms and repairs.

Certain work to be done by contract.

3. *And be it enacted*, That as to all work provided for in the foregoing sections which can advantageously be done

under contract, the said inspectors and supervisor shall be required to advertise for proposals, and to award the work to the lowest responsible bidder or bidders.

Shall receive no compensation.

4. *And be it enacted*, That the said inspectors and supervisor shall receive no additional compensation for the services which may be rendered by them under this act.

Shall make detailed account to next legislature.

5. *And be it enacted*, That the said inspectors and supervisor shall make to the next legislature a full and detailed account of their operations under this act, together with a detailed statement of the moneys expended by them or under their direction.

6. *And be it enacted*, That this act shall take effect immediately.

Approved March 23, 1883.

CHAPTER CLX.

An Act to provide for the incorporation of associations for the promotion of art, and for the erection of museums and monuments.

Five or more persons may associate together for the promotion of art, and erection of museums and monuments.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any five or more persons of full age, a majority of whom shall be citizens of and residents within this state, who shall desire to associate themselves together for the purpose of making collections of works of art and erecting museums or galleries for art exhibitions, or erecting monuments to commemorate any of the victories of the armies of the United States, may make, record and file a certificate in writing in manner hereinafter mentioned.

Certificate of incorporation.

2. *And be it enacted*, That such certificate in writing shall set forth—

I. The name or title assumed to designate such corporation;

II. The place or places is this state where the purposes of such association are to be carried out;

III. The purposes for which the association shall be formed;

IV. The names of the directors who shall manage its affairs for the first year of its existence.

How acknowledged and recorded.

3. *And be it enacted*, That such certificate shall be proved or acknowledged and recorded, as required of deeds of real estate, in a book to be kept for the recording of certificates of incorporation, in the office of the clerk of the county where the purposes of the association are to be carried out, and after being so recorded shall be filed in the office of the secretary of state; the said certificate, or a copy thereof, duly certified by said clerk or secretary, shall be evidence in all courts and places.

Shall be filed in office of secretary of state.

Shall be a body corporate

4. *And be it enacted*, That upon making such certificate and causing the same to be recorded and filed as aforesaid, the said persons so associating, their successors and assigns, shall, by virtue of this act, be a body politic and corporate, in fact and in law, by the name stated in such certificate; and by that name they and their successors shall have perpetual succession and power to sue and be sued, plead and be impleaded, answer and be answered unto in all courts and places whatsoever, to make and use a common seal and the same to use at pleasure, and to purchase and take, have hold, receive and enjoy any lands, tenements and hereditaments, in fee-simple or otherwise, and any goods, chattels or property of any description, real or personal, and whether acquired by gift, grant, devise, bequest or otherwise, and the same to grant, convey, have, assign, sell or otherwise dispose of for the purposes of said association.

Powers.

Shall have power to make by-laws, etc.

5. *And be it enacted*, That the directors of such association shall have power from time to time to make, alter and amend by-laws, not inconsistent with the constitution or laws of the United States or of this state, fixing and altering the number of its directors for the management of its property and the regulation and government of its affairs, and providing for the classification of and the mode of increasing or perpetuating the directors of the association, and the mode of filling vacancies in, and removing any member from their number, and prescribing qualifications for membership of the association, and to appoint one or more superintendents or managers, and such other agents and officers as shall in their

judgment tend to promote or advance any purpose of the association, and to prescribe their expected duties.

6. *And be it enacted*, That this act shall take effect immediately.

Approved March 23, 1883.

CHAPTER CLXI.

A Further Supplement to the act entitled "An act respecting conveyances" [Revision], approved March seventeenth, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the fifty-seventh section of said act shall hereafter read as follows:

57. *And be it enacted*, That all acknowledgments or proofs of deeds heretofore made or taken, or hereafter to be made or taken, after the lapse of ten years from the date of such acknowledgment or proof, notwithstanding any errors or imperfections in said acknowledgment or proofs, shall be taken and held to be good and sufficient in law; *provided, however*, that all such deeds shall have been duly recorded. Acknowledgment of deed taken after ten years from date held valid. Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 23, 1883.

CHAPTER CLXII.

An Act authorizing limited appropriations for the relief and education of certain indigent children in the cities of the state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in addition to its yearly appropriations for school purposes, it shall be lawful for the body having control of the finances of any city in this state Appropriation for relief and education of indigent children in cities.

to raise, in its annual tax levy, a sum of money not exceeding one thousand dollars, which, together with any moneys obtained therefor by voluntary contributions, shall be expended for the relief and primary education of such indigent, homeless or deserted children of said city as, by reason of their age, their inability to obtain suitable clothing, their necessary occupations, or otherwise, are unable to attend the public schools; *provided, however*, that the moneys thus appropriated shall be expended under the direction of the mayor of said city.

Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 23, 1883.

CHAPTER CLXIII.

An Act relative to public printing.

Advertisement for proposals to print volume of laws, etc.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be the duty of the comptroller to advertise in two newspapers, published in each of the cities of Trenton, Camden, Jersey City and Newark, at least once a week during the month of January of each year, for sealed proposals to print the volume of laws, the journals of the senate and minutes of joint meeting and executive sessions, and the minutes of the house of assembly, and all such reports and documents of whatever kind not included in the current printing of the legislature, in such quantity and manner and form as may be ordered by the legislature at its regular session of that year, which proposals shall be submitted to the comptroller within ten days after the adjournment of the session.

Advertisement for proposals for current printing of legislature.

2. *And be it enacted*, That it shall be the duty of the comptroller to advertise in like manner, during the month of December in each year, for proposals to do the current printing of the two houses of the legislature at its next ensuing session, which proposals shall be submitted to the comptroller on or before the first Monday in January following.

Comptroller to appoint practical printer to assist in preparing specifications.

3. *And be it enacted*, That the comptroller, before advertising for said proposals for the public printing, shall designate and appoint some competent person, a practical printer, to assist him in preparing specifications, under which the said printing shall be executed, said person to be paid a salary by the state not to exceed two hundred and fifty dollars per annum; and it shall be the duty of the person so appointed to examine all work done under said contract, and to certify to the comptroller that the same has been done in accordance with the specifications and contracts.

Salary.

Advertisement for proposals to print blanks and furnish stationery.

4. *And be it enacted*, That it shall be the duty of the comptroller to advertise in like manner during the month of May of each year for proposals for printing all blanks and furnishing all stationery required for the use of the several departments and public offices of the state government for the ensuing year, in accordance with forms and samples to be submitted by him; and it shall be the duty of the head of each department and public office of the state government, in the month of April in each year, to furnish the comptroller with a statement of the amount and kind of stationery, and with samples of such blanks as will be needed by their respective departments.

Work to be done within limits of state.

5. *And be it enacted*, That all the work performed, in fulfillment of any or all contracts made under the provisions of this bill, shall be done within the limits of this state.

Contract to be approved by governor.

6. *And be it enacted*, That it shall be the duty of the comptroller, upon receipt of said proposals, to open the same in the presence of the governor, and to contract for the said printing and stationery, with the approval of the governor, upon the most advantageous terms that may be offered, which proposals shall remain of record in his office.

Bond to be given.

7. *And be it enacted*, That the comptroller, before awarding any contract for public printing, shall require the party or parties accepting the same to enter into bond, with two or more sureties, in double the consideration of the contract, payable to the state of New Jersey, conditioned for the faithful performance of the terms of the contract, which bond shall be filed and recorded in the office of the secretary of state.

To be filed and recorded in office of secretary of state.

Repealer.

8. *And be it enacted*, That all acts or parts of acts inconsistent with this act be and the same are hereby repealed, and that this act shall take effect immediately.

Approved March 23, 1883.

CHAPTER CLXIV.

An Act to extend the time for the completion of railroads.

Certain railroad companies authorized to complete their railroad within four years from passage of act.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all railroad companies incorporated by any special act of the legislature of this state, part of whose railroad has been built and is in operation, the time of the completion of which has expired since the year one thousand eight hundred and seventy-four, be and they are hereby authorized and empowered to complete their respective railroads, or any part thereof, within four years from the passage of this act, and to alter or amend the location of such uncompleted portions by filing the surveys of the same in the office of the secretary of state, subject to all the powers and restrictions contained in their several acts of incorporation and the supplements thereto.

Repealer.

2. *And be it enacted*, That any and all acts or parts of acts inconsistent with the provisions of this act be and the same are hereby repealed.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 23, 1883.

CHAPTER CLXV.

An Act to amend section seventy-eight of the act entitled "An act for the organization of the national guard of the state of New Jersey," approved March ninth, one thousand eight hundred and sixty-nine.

Section amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section seventy-eight of the

act entitled "An act for the organization of the national guard of the state of New Jersey," approved March ninth, one thousand eight hundred and sixty-nine, be and the same is hereby amended so as to read as follows:

Pensions.

78. *And be it enacted*, That the widow, or minor children if there be no widow, of any officer or soldier who may have been within one year last past, or who may hereafter be killed or fatally injured in the performance of any actual service of this state, or while engaged in any parade, encampment, or brigade, regimental or battalion inspection, (not in the service of the United States,) or any officer or soldier who may be wounded or disabled in the performance of any actual service of this state, shall receive from the treasury of the state the like reward that persons under similar circumstances receive from the United States; and in cases of fatal injury such reward shall date from the time of receiving the injuries on account of which such reward is allowed.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 23, 1883.

CHAPTER CLXVI.

A Further Supplement to an act entitled "An act concerning townships and township officers," approved April twenty-first, one thousand eight hundred and seventy-six.

Collector shall file account of receipts, &c., with township clerk, in February of each year.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the collector of each of the townships in this state shall, on the second Tuesday in February, in each year, file with the clerk of his township a full, true and complete account of his receipts and expenditures for account of his township during the preceding year, the amount of taxes remaining unpaid, the names of the delinquents, and the amount due from each; that the said account shall be in writing, verified by the oath of the collector that the same is, in all respects, just and true; and that any col-

Penalty.

lector who shall neglect or refuse to make and file such account as aforesaid, at the time and in the manner designated in this act, shall be guilty of a misdemeanor, and subject, upon conviction, to a fine of one hundred dollars.

2. *And be it enacted,* That this act shall take effect immediately.

Approved March 23, 1883.

CHAPTER CLXVII.

An Act to provide for the modifying of the salaries of city officers who hold their office for an indefinite term.

Board of aldermen or common council of certain cities authorized to modify salary of certain city officers.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That it shall be lawful for the board of aldermen or common council of cities of the second class, by ordinance, to modify, from time to time, the salary of such city officers as hold their offices during good behavior or for an indefinite term; but not more than one change shall be made in any such salary during any fiscal year.

2. *And be it enacted,* That this act shall take effect immediately.

Approved March 23, 1883.

CHAPTER CLXVIII.

An Act concerning recorders in cities of the third class.

Term of office of city recorders.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That in all cities of the third class, where city recorders are now elected annually, they shall hereafter be elected for the term of three years.

2. *And be it enacted,* That this act shall take effect immediately.

Approved March 23, 1883.

CHAPTER CLXIX.

An Act respecting the record of transfers of real property.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any deed of conveyance or release of lands lying in this state, or of any estate or interest in such lands, heretofore made or hereafter to be made, shall be duly recorded in the county where such lands lie, whether so recorded within fifteen days after its execution or not, such record shall become and be forthwith notice to all persons of the execution thereof. Record of deed notice of the execution thereof whether recorded within certain time or not.

2. *And be it enacted*, That whenever any deed of conveyance or release of lands lying in this state, or of any estate or interest therein, heretofore made, has been duly recorded in the county where such lands lie, although not so recorded within fifteen days after its execution, such record shall, from and after the passage of this act, forthwith become and be notice to all persons of the execution of such deed of conveyance or release. Record of deed heretofore made notice of execution thereof although not recorded within certain time.

3. *And be it enacted*, That all deeds of conveyance or release of lands lying in this state, or of any estate or interest therein, hereafter to be made, shall, until duly recorded in the county where such lands lie, be void and of no effect against subsequent judgment creditors without notice, and against all subsequent *bona fide* purchasers and mortgagees for valuable consideration, not having notice thereof, whose deed or mortgage shall have been first duly recorded or registered; *provided*, that all deeds of conveyance and release recorded in the manner provided by law shall be deemed to have been duly recorded, although not so recorded within fifteen days after their execution; *and provided, also*, that such deeds shall be valid and operative, although not recorded, except as against such subsequent judgment creditors, purchasers and mortgagees. Deed or release of land void until recorded. Proviso. Proviso.

4. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed. Repealer.

Approved March 23, 1883.

CHAPTER CLXX.

A Further Supplement to the act entitled "An act to provide additional accommodations for the insane of this state, approved March thirty-first, one thousand eight hundred and seventy-one.

Preamble. WHEREAS, The grand jury of the county of Morris, and state of New Jersey, has presented to the court that their attention has been called to the fact that the existing system of sewerage at the state asylum for the insane, at Morris Plains, is so far defective as to lead to the pollution of streams and ponds in the neighborhood through which it passes, thereby injuring the value of property and affecting the health of the people of the vicinity unfavorably; *and whereas*, the managers of the asylum have no means at their disposal to meet the expenses that may be incurred in effecting the required change; therefore,

Appropriation. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That to meet the expenses of the various objects, also to procure land for the right of way for the main avenue from the building in the direction of Morris Plains station and Morristown, and for purposes required in the improvement of sewerage, that the treasurer of the state is directed to pay out of the state treasury, on the warrant of the comptroller, to the commissioners of the state asylum for the insane, at Morristown, during the current year, a sum not exceeding five thousand dollars.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 23, 1883.

CHAPTER CLXXI.

An Act amending "An act to provide for the record and report of jail statistics," approved March twenty-third, one thousand eight hundred and eighty-two.

Section amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the second section of the act of which this is amendatory, be and the same is hereby amended so as to read as follows:

Copy of record to be transmitted to chief of bureau of statistics of labor and industries.

2. *And be it enacted*, That on or before the fifteenth day of February, of May, of August, and of November, in each and every year, a copy of such record kept during the preceding three months, or so much thereof as shall be required, shall be transmitted by the keeper of such jail to the chief of the bureau of statistics of labor and industries; and that a statement, showing the expense incurred in keeping the prisoners, shall accompany such report, which report and statement of expenses shall be made in the form prescribed, and on the blanks furnished by said chief, and shall have annexed thereto a certificate of the truthfulness of the same by such keeper; and for the services required by the said act, and by this act to be performed, said keeper shall be entitled to have and receive five cents for every prisoner or commitment confined in the jail of which he is keeper, which compensation shall be paid to him by the comptroller of the state of New Jersey on the certificate of the said chief that the reports required by him have been satisfactorily made by said keeper.

Compensation, how paid.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 23, 1883.

New Jersey State Library

CHAPTER CLXXII.

A Supplement to "An act respecting railroads and canals," approved March twenty-seventh, one thousand eight hundred and seventy-four.

Unlawful to run train without having rope or cord attached to bell, gong, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall not be lawful hereafter for any corporation operating a railroad in this state, whether as lessee or otherwise, to run any passenger, or mixed passenger and freight train, over any railroad so operated by them, without having a rope or strong cord attached at one end to a bell, gong or whistle on the locomotive, and the said rope or strong cord leading from thence through or over every car, and through every baggage, express and passenger car in the train, and within easy and convenient reach of the employes and passengers in said train, and the other end attached to the rear end of the rear car of said train, and any corporation violating these provisions shall be subject to a fine of five hundred dollars for each offense, to be recovered by any inhabitant of this state who may sue for the same in any court having cognizance of the same, one-fifth of the said fine to go to the person suing for the same, and four-fifths thereof to the state.

Penalty.

2. *And be it enacted*, That the second section of said act, which reads as follows:

Section repealed.

"2. *And be it enacted*, That no train conveying passengers shall be run upon any railroad in this state without a rope or cord being attached at one end to a bell, gong or whistle on the locomotive, and said rope or cord led from thence through every baggage, express and passenger car in the train, and the other end attached to the rear part of the (rear) car of said train; and any corporation violating these provisions shall be subject to a fine of five hundred dollars for each offense, to be recovered by any inhabitant of the state who may sue for the same in any court having cognizance of the same, one-quarter of said fine to go to the person suing

for the same, and three-quarters thereof to the state," be and the same is hereby repealed.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 23, 1883.

CHAPTER CLXXIII.

A Supplement to the act entitled "An act to compel the determination of claims to real estate in certain cases, and to quiet the title to the same," approved March the second, one thousand eight hundred and seventy.

Issue may be tried in county other than that in which lands are situate.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That when an issue at law has been or shall be directed in any cause arising under the act to which this is a supplement, as provided in the fifth section thereof, it shall be lawful for such issue to be tried in a county other than that in which the lands in dispute are situate, whenever it is so ordered by the order directing such issue, or by any other order made by the chancellor in such cause.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 23, 1883.

CHAPTER CLXXIV.

An Act to validate the acts of constables who have not renewed their bonds.

Preamble.

WHEREAS, The act requiring constables to renew their bonds annually is a very recent act, and before it became

generally known many writs and process issued by justices of the peace had been served by constables who had not given new bonds; therefore,

Acts of constables who have not renewed their bonds made valid.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no writ or process of any kind, heretofore issued by any justice of the peace of this state, and served or executed by any constable duly elected and sworn into office, and who has once given the required bond after being so elected, shall be held to be void or illegally served, nor shall any proceedings based thereon be in any way impeached because such constable has not annually renewed his bond within thirty days after the expiration of each yearly term, as now required by law; and the service or execution of all such writs or process is hereby made as valid and effectual as if the bonds of such constables had been so renewed.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 23, 1883.

CHAPTER CLXXV.

A Supplement to the act entitled "An act concerning corporations" [Revision], approved April seventh, one thousand eight hundred and seventy-five.

Lawful for foreign corporations to hold real estate.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for foreign corporations, created and organized for charitable or benevolent purposes, to hold, mortgage, lease and convey such real estate in this state as may be devised or conveyed to them for the purposes of their creation, anything in the laws of this state to the contrary notwithstanding.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 23, 1883.

CHAPTER CLXXVI.

A Further Supplement to "An act concerning inns and taverns," approved April seventeenth, one thousand eight hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter in all incorporated boroughs of this state, of the third class, each and every license to keep inns and taverns, ale and beer saloons, shall be granted by the inferior court of common pleas of said county wherein such town or borough is situated, and the moneys received for all such licenses shall be paid over by the collector of such county to the treasurer, collector or other financial custodian of such town or borough. Licenses to keep inns, taverns, &c., in boroughs of third class, shall be granted by court of common pleas.

2. *And be it enacted*, That this act shall take effect immediately, and that all acts or parts of acts inconsistent herewith, be and the same are hereby repealed. Repealer.

Approved March 23, 1883.

CHAPTER CLXXVII.

An Act relating to sinking funds in cities.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever in any city in this state a sinking fund has been created for the redemption of a particular series or class of bonds of such city, and the fund so created has accumulated to an amount in excess of the sum needed to redeem all bonds now outstanding against said fund, it shall be the duty of the commissioners of such sinking fund to transfer such excess to such other sinking Excess of fund to be transferred to other fund.

fund for the redemption of other bonds of said city as the said commissioners shall direct, and to place the same, when so transferred, in said fund.

Excess of income from market fees, license fees, &c., how to be used.

2. *And be it enacted*, That whenever in any city the income accruing from market fees, license fees, or any source other than from the annual tax levy, has been or may be appropriated by law to the formation or increase of a sinking fund for the payment of any class, issue, denomination or series of bonds heretofore issued in such city, and there exists no authority to increase such issue, and it shall appear to the common council of such city that the amounts of moneys annually received from the sources indicated do largely exceed the needs of said fund for the necessary provision for said bonds at their maturity, and that the interest on the said bonds can, with safety, be required to be paid out of the income to said fund as well as an ample provision be made to provide for the principal long before it is due; that in such case it may be lawful for the common council to provide annually, by resolution, for the use of such part or all of the license and market fees coming into said fund for the payment of such interest and other city purposes as in their judgment may be necessary and proper; *provided*, that not less than three per centum of the amount of the outstanding bonds shall be annually carried to the sinking fund to redeem the principal of the said bonds until the fund for the redemption of such bonds shall aggregate the full amount of the outstanding bonds.

Proviso.

Interest on securities held by specific fund to be used to pay interest on bonds of any particular fund.

3. *And be it enacted*, That where by law a specific special tax is required to be raised annually, and set apart and invested by the sinking fund commissioners of any city in this state, to meet the bonds provided to be paid by said specific fund at their maturity, and it shall appear by the report of said commissioners to the common council for the fiscal year of one thousand eight hundred and eighty-two, that the principal sum of all the bonds required to be met and paid for at that date or thereafter, is already in the hands of such commissioners in securities or cash, or that the annual addition to the fund in the hands of such commissioners by the time the unprovided for bonds fall due will, from the annually paid specific tax, equal or exceed the principal of all of the bonds to be paid out of such fund without the retention by the commissioners of the annual addition of interest on

the securities held by them as security for the payment of the principal of said outstanding bonds, then it shall be lawful for the common council to which such annual report of the commissioners shall be made, to order and direct, by resolution, that the interest on the securities held by the sinking fund commissioners, or so much thereof as they may deem wise, shall be used by the said commissioners for the payment of the interest on the bonds outstanding and which are to be paid out of and by any particular sinking fund in any city of this state, and to forbear to assess and collect by taxation the amount of interest so directed to be paid.

Commissioners shall make report, &c.

4. *And be it enacted*, That said commissioners shall make a report of their action under the first section hereof to the common council of said city, within thirty days after the approval of this act, and said common council shall omit from the next tax levy for the payment of said principal to which said transfer is made, an amount equal to the said excess so transferred by said commissioners.

5. *And be it enacted*, That this act shall take effect immediately.

Approved March 23, 1883.

CHAPTER CLXXVIII.

An Act authorizing the boards of chosen freeholders of any two adjoining counties to lay out, open and grade continuous public highways therein.

Notice to be given of application to construct highway.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever twenty-five freeholders and residents in each of any two adjoining counties of this state, neither of which have a county public road board, shall make application in writing, accompanied by a map or maps, to their respective boards of chosen freeholders to lay out, open and grade a continuous public highway of not less than three nor more than five rods wide, to extend only from a point within one of such counties

to a point within another thereof, it shall be the duty of said boards of chosen freeholders to give notice thereof by publication in at least two newspapers published in each of their respective counties of said application and of the time within which any objections in writing will be received, which shall be not less than thirty days from the date of publication; and, also, that they have placed on exhibition, at their respective offices, the said map or maps, together with the said application, showing and indicating the general course and grades of the said intended highway, for public inspection at all reasonable times; it shall then be lawful for the said boards of chosen freeholders to consider the said application either in separate or joint meeting, together with such objections to granting the same as may have been submitted in accordance with the aforesaid public notice.

Duty of boards to consider estimates if decision of two-thirds is favorable.

2. *And be it enacted*, That if the decision of two-thirds of each of the said boards shall be favorable to laying out, opening and grading said highway, it shall be the duty of each of said boards to proceed to consider the estimates in their respective counties of a fair and just compensation for the lands and buildings taken for the construction of the same, and of the amount of money required to build the said highway in the most substantial manner, and to raise the amounts so required by assessment, as is now authorized by law.

Notice to be given of proposals to construct highway.

3. *And be it enacted*, That it shall be the duty of each of said boards to give notice by publication in at least two newspapers published in each of said counties, that proposals in writing for the construction of said highway will be received at their respective offices, within not less than thirty days from the date of publication, which said proposals shall then be opened in public, and the contracts awarded to such person or persons as it shall then be found to have offered to construct the same at the lowest prices and in conformity with the terms prescribed in said public notice, reserving the right, however, to each of said boards to reject any or all offers which in their opinion may not be to the proper interest or advantage of their said respective counties, and if so rejected, thereupon to again advertise for new proposals, in accordance with said conditions and subject to the same terms.

4. *And be it enacted*, That the said boards of chosen freeholders, or either of them, are hereby empowered to do all necessary acts to carry the provisions of this act into effect, and to construct the said highway, and to proceed with all expedition for the earliest completion and opening the same for public use. Boards empowered to construct highway.

5. *And be it enacted*, That this act shall take effect immediately.

Approved March 23, 1883.

CHAPTER CLXXIX.

An Act to make certain roads, constructed by commissioners under the authority of the legislature, county roads, and to provide for the payment of the expense of constructing by the county, and for the mode of maintaining and repairing the same.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever a road has been heretofore constructed by or under the supervision of commissioners appointed under any act or acts of the legislature of the state of New Jersey, running through or in two or more cities, towns or townships, or through or in a city and one or more towns or townships in any county, and the cost of such improvement under any act or acts of the legislature has been assessed by commissioners appointed by some court of record, under acts authorizing a part of the expense to be assessed upon the property benefited, and part of the expense to be assessed upon the county in which such road shall lie, and where no provision is made by law for the maintenance and keeping in repair by the county of such road, that in every such case such road shall be deemed and taken to be a county road, and shall be maintained and kept in repair by such county within which the same is situate; and the cost of constructing said road, together with any interest due on the amount of indebtedness incurred therefor, Certain roads made county roads, and providing for expense of construction, and mode of maintaining same.

shall be paid by said county to those to whom it is due, or who hold certificates or other evidences for the same, and the assessments if any uncollected, shall be collected for the benefit of the county.

Directed to carry out provisions of act, and provide means therefor by taxation.

2. *And be it enacted*, That the board of chosen freeholders of any county aforesaid is hereby directed to carry out the provisions of this act, and to provide the means therefor by general taxation the same as for ordinary county expenses.

Repealer.

3. *And be it enacted*, That all acts and parts of acts, general, public, special or otherwise, inconsistent with this act, be and the same are hereby repealed, and this act shall be deemed a public act and take effect immediately.

Approved March 23, 1883.

CHAPTER CLXXX.

An Act in relation to sewers, portions of which lie in two adjoining cities.

Proceedings when sewer constructed in adjoining counties is insufficient to carry off sewage.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any sewer has been or may hereafter be constructed, partly in one city and partly in another city, and said sewer, as constructed, shall be insufficient to carry off the sewage discharged, or to be discharged, through said sewer, it shall be the duty of the city whose sewage is carried or intended to be carried by such sewer, to enlarge the same, or to change the course thereof, so as to make a more direct discharge of the sewage therefrom, even though such change may make the outlet of the sewer in a different city from that in which such outlet is now placed, or may have been placed when first constructed; and said city, in changing the route, may replace any part of the sewer, on the new outlet as determined upon, with iron or cement pipes placed above or below the surface of the ground, of sufficient capacity to carry off the sewage; and the authorities of the city making the enlargement or

change, shall have the power to go into the other city and make such excavations, and do such other work, in any of the streets of such other city, as may be necessary to carry out the provisions of this act, or increase the efficient working of such sewer; and they shall, after such work, replace the streets in the same condition as they shall have found them; and if, at any time thereafter, it shall be necessary, they may enter upon said streets to repair or replace said sewer.

May borrow money, and place amount in tax levy.

2. *And be it enacted*, That the board having the control of the finances of the city doing such work, may borrow sufficient money to pay for the same, and place the amount in the next tax levy, and no indebtedness shall be incurred, by any board or city official, for such purpose, without the previous authority of the board having the control of the finances of said city.

Repealer.

3. *And be it enacted*, That all acts and parts of acts, general, public, special, local or otherwise, inconsistent herewith, be and the same are hereby repealed, and this act shall take effect immediately.

Approved March 23, 1883.

CHAPTER CLXXXI.

An Act concerning the payment of public school janitors in cities.

Appropriation to pay salaries.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where the appropriation heretofore made for the payment of salaries to the janitors of public schools in any city of this state, during the present fiscal year of such city, shall be found inadequate for the proper payment of such janitors, and the fact of such finding shall be certified by the municipal board having charge of the public schools of such city to the municipal board having control of the finances of such city, it shall be the duty of the latter board to appropriate a sum not exceeding thirty-five hundred dollars (in addition to such sum as may

have been heretofore appropriated for the present fiscal year) toward the payment of proper salaries to such janitors.

To be provided for by tax.

2. *And be it enacted*, That it shall be lawful for the board making such appropriation to borrow the sum so appropriated, in anticipation of taxes next hereafter to be levied in such city, and payment of the amount aforesaid shall be provided for in such levy.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 23, 1883.

CHAPTER CLXXXII.

An Act concerning cities in this state.

Sewer to be constructed in certain cases.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all cities in this state in which the legislative or other municipal body has control of the construction of sewers, which the said city has heretofore or may hereafter be indicted for maintaining a nuisance, shall in all cases where the construction of a sewer shall effectively abate said nuisance, proceed to order and cause such sewers to be constructed; the costs and expenses incurred and paid for the construction thereof shall be assessed as the cost of construction of other sewers are now assessed in such city;

Proviso.

provided, that the costs and expenses shall not in any one case exceed the sum of fifty thousand dollars.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 23, 1883.

CHAPTER CLXXXIII.

An Act authorizing the municipal board of any city having cognizance and control of the cleaning of streets to terminate contracts in reference thereto prior to the expiration thereof as fixed in such contract, when the contractor and his bondsmen shall consent thereto.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the municipal board of any city which shall have cognizance and control of the cleaning of streets, and which shall have heretofore entered into a contract for the cleaning of the streets of such city, and for the collection of the ashes, garbage and street sweepings and the removal of the same from the streets of such city, shall have power, without the action or concurrence of any other municipal board, to terminate any such contract prior to the expiration thereof, if such board making such contract shall determine that it is for the best interests of said city so to do, and the contractor and his bondsmen shall file their written consent thereto; *provided, however*, that such termination of such contract as is provided for in this act shall not affect the rights of the municipality, or of the contractor under such contract prior to such termination thereof, under the provisions of this act. Authorized to terminate contracts before expiration thereof. Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 23, 1883.

CHAPTER CLXXXIV.

A Further Supplement to an act entitled "An act regulating proceedings in criminal cases" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

Writ of error not to stay proceedings upon judgment and sentence when person pleads guilty to indictment.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in no case hereafter in this state, in which a person shall have pleaded guilty to any indictment or accusation, shall a writ of error have the effect of staying the proceedings upon the judgment and sentence which the court or any judge thereof may have pronounced against the person or persons obtaining and prosecuting such writ of error.

Repealer.

2. *And be it enacted*, That all acts and parts of acts inconsistent with this act are hereby repealed, and that this act shall take effect immediately.

Approved March 23, 1883.

CHAPTER CLXXXV.

An Act to prohibit the sale of adulterated and skimmed milk in cities of this state.

Adulterated or skimmed milk shall not be kept or offered for sale in certain cities.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no milk which has been watered, adulterated, or changed in any respect by the addition of water, or other substance, or by removal of cream, or any part thereof, shall be kept or offered for sale in any city of the first class in this state.

2. *And be it enacted*, That any person who shall violate any of the provisions of this act, shall be liable to a penalty of fifty dollars for the first offense, and one hundred dollars for a second or subsequent offense, and that such penalties shall be recovered upon like evidence, by like procedure, and in the same method now provided for the collection of fines and penalties, under the act entitled "An act to prevent the adulteration and to regulate the sale of milk," approved March fourteenth, one thousand eight hundred and eighty-two. Penalty, how recovered.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 23, 1883.

CHAPTER CLXXXVI.

An Act to amend an act entitled "An act to provide for the appointment of commissioners to determine upon plans for the storage of any of the waters of this state for the purpose of furnishing to cities and towns a joint water supply," approved March thirty-first, one thousand eight hundred and eighty-two.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in addition to the powers conferred on the commissioners appointed under the act to which this is an amendment, said commissioners shall also have the power to make forthwith such investigations and surveys, and do such other work as may be necessary to enable them to determine upon the best practicable plan or plans for supplying the cities and towns or other municipalities in this state, either jointly or separately, with pure and wholesome water, and the best methods of storing and distributing any of the waters of this state for the purposes aforesaid, and to ascertain and determine the source or sources of supply, from storage reservoirs or otherwise, of Additional powers of commissioners.

the waters to be used for such purpose, having respect to the future growth of the population and the industrial and commercial interests of the state, and all parts thereof, and to the public health; and said commissioners may proceed to make such investigations and surveys, and do such work as aforesaid, without waiting for application to be made to them by any board of aldermen or any governing body of any city or town of this state; and said commission shall make their reports from time to time to the legislature of this state; and said commissioners shall have the power to expend such sums of money as shall be authorized and audited by the governor and comptroller of this state for the purposes aforesaid; *provided, however*, that said expenditure shall not exceed the sum of five thousand dollars within the next two years; which sum is hereby appropriated out of any money in the treasury not otherwise appropriated, to be subject to the draft of said commissioners, and shall be paid upon the warrant of the comptroller, upon satisfactory vouchers being produced of such expenditures made or incurred.

Proviso.

Compensation of commissioners and engineer.

2. *And be it enacted*, That each of said commissioners shall receive five dollars for every day actually employed by him in the duties of his said appointment, and his actual traveling expenses when absent from his residence, but the hydraulic engineer who shall be a member of said commission, under the second section of the act to which this is an amendment, shall be entitled to receive such additional compensation as shall be agreed upon by said commissioners, and concurred in by the governor and comptroller of the state; and the compensation for the time and expenses of said commissioners and engineer shall be allowed and paid as part of the expenditures of said commission, in manner as provided in the first section of this act.

Commissioners may commence proceedings to restrain any state or persons from diminishing flow of water.

3. *And be it enacted*, That said commissioners, whenever they deem such action necessary to preserve the rights of the state from infringement, may commence proceedings in the name of the state of New Jersey to restrain any other state, or any person, or any municipal or other corporation from diminishing the flow at the point where it enters this state, of any stream of potable water, by conducting away from such stream, or from sources lying within its water-shed and within the boundaries of another state, any portion of the

waters naturally tributary to such stream, or from causing any injury to the waters flowing in such stream, or which are tributary thereto, so as to render such stream and waters, at the point where they enter this state, unfit for the supply of cities and towns or for domestic use; and the attorney-general is hereby required to commence and prosecute such actions as may be instituted or directed by said commissioners as aforesaid; and his expenses and disbursements, and the expenses and disbursements of such assistants as may be appointed by the governor, and their reasonable charges and counsel fees, shall be taxed by the chief justice and paid out of the state treasury on presentation of the bill so taxed.

Expenses, counsel fees, &c., of attorney general and assistants, how taxed and paid.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 23, 1883.

CHAPTER CLXXXVII.

An Act for the appointment of a commission in relation to the question of oyster planting in the waters of the state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John Van Buskirk, of the county of Hudson; Carl F. Seitz, of the county of Essex; William W. Sofield, of the county of Middlesex; Alfred B. Stouey, of the county of Monmouth; John H. Gulick, of the county of Ocean; Levi French, of the county of Burlington; John J. Gardner, of the county of Atlantic; Thomas Townsend, of the county of Cape May, and Daniel Sharp, of the county of Cumberland, be and they are hereby appointed commissioners, whose duty shall be to take into consideration the subject of the cultivation and growth of oysters in the waters of the state, to examine witnesses, if necessary, in or out of the session of the legislature, and to send for persons or papers to aid in said investigations and report at this or the next session of the legislature the facts

Commissioners appointed.

Duties.

as pertaining to said subject, with bill adapted to the wants and necessities of the several counties of the state whose citizens are engaged in the business of growing or planting oysters.

2. *And be it enacted,* That this act shall take effect immediately.

Approved March 23, 1883.

CHAPTER CLXXXVIII.

An Act to authorize and enable small land owners to drain and improve their lands.

Proceedings to enable owners of lands to drain and improve same.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That it shall and may be lawful for the owner or owners of any meadow, swamp or other lands, improved or otherwise, lying or being so situate that it cannot be drained sufficiently for the effectual improvement of the same, without clearing out, cutting down and lowering the bed of creeks or natural water-courses, or cutting, opening or clearing out ditches or drains into or through the lands owned by or in possession of such person or persons as will not sufficiently clear out, cut down and lower the beds of creeks or natural water-courses, or will not cut, make, clear out and keep open sufficient ditches or drains in or through the lands so owned or possessed by them, or will not assist others in such drainage, and who may desire the same, to apply to the two surveyors of the highways and the chosen freeholder of the township in which the lands lie, who are hereby directed and required, upon ten days' notice in writing, signed by the applicant or applicants, their agent or attorney, given for that purpose, as well to the person or persons who may in any way be benefited by the said drainage as to the surveyors and freeholder, particularly specifying the time and place of meeting; and when the said surveyors and freeholder or a majority of them so met, on due proof being made to them that the required notice has been given to all

persons to be affected by the said drainage, and who will be benefited thereby, on which the said surveyors and freeholder shall decide, and their decision shall be final and conclusive; and the said surveyors and freeholder having taken an oath or affirmation to act faithfully and impartially, shall proceed to view the premises, and shall, if they think the application necessary and reasonable, order and direct the applicant or applicants, in writing, to clear out, cut down and lower the beds of creeks or natural water-courses, or cut, open, clear out ditches or drains sufficient to drain and improve the same, giving the location, direction, depth and width said ditch or drain shall be cut, made, cleared out and opened, and the depth and width said creek or natural water-course shall be cleared out, cut down, straightened and the bed of the same lowered, and at the same time apportion to each land owner who may be in any way benefited by said proposed drainage his share of the expense of said drainage, as well as the expense of the application and the fees of the surveyors and freeholder in proportion to the amount of benefits to be derived therefrom; *provided, however*, that the total cost of such improvement shall not exceed the sum of one thousand dollars.

Proviso.

2. *And be it enacted*, That after the surveyors and freeholder have met and ordered the improvement to be made, they may proceed to have the beds of creeks and natural water-courses cleared out and lowered and the ditches or drains cut, opened and cleared out as directed in the order made by the surveyors and freeholder, either by contract or by day's labor, keeping a correct account of all expenses incurred in and by the same; and assess from time to time, as the work progresses, each land owner with his share of the expenses incurred, in accordance with the apportionment made by the surveyors and freeholder.

May proceed to clear out drains, &c., by contract or day's labor.

3. *And be it enacted*, That the applicant or applicants shall, in person or by notice in writing left at the usual place of abode of each owner, demand of and from each owner, ten days before the time of payment, the sum assessed as aforesaid, together with a statement of money expended up to the time the assessment is made; and if any of the said owners shall neglect or refuse to pay the sum assessed as aforesaid, for the space of ten days after the time fixed for the payment thereof, it shall and may be lawful for the

Applicant to demand assessment in person or by notice in writing.

applicant or applicants, their agents or attorneys to collect the same by action of debt, with costs of suit, in any court where the same may be cognizable.

Proceedings when freeholder or surveyor is interested in improvement.

4. *And be it enacted*, That when any surveyor of highways or chosen freeholder of any township, in or through which any ditch, drain or water-course is proposed to be laid out or renewed, repaired or lowered, shall be interested for or against the same, application shall be made to any surveyor of the highways or chosen freeholder of any adjacent township of the same county, in place of the surveyor of the highways or chosen freeholder so interested as aforesaid, who, in conjunction with such other surveyors and freeholder as may by law be authorized to act in the premises, shall exercise the powers and perform the duties conferred and enjoined by this act.

5. *And be it enacted*, That this act shall be deemed a public act, and shall take effect immediately.

Approved March 23, 1883.

CHAPTER CLXXXIX.

A Further Supplement to the act entitled "An act to secure to creditors an equal and just division of the estates of debtors who convey to assignees for the benefit of creditors" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

Assignee who has not made final account within certain time may proceed as if time had not expired.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases where assignment has heretofore been made for the benefit of creditors under the act to which this is a supplement, and the assignee, for any reason, has not sold the real estate, or has sold said real estate and has not made his final report within the time prescribed by the act to which this is a further supplement, it shall be lawful for such assignee to hereafter proceed in all things as he might have done if the time prescribed in said act had not expired; *provided*, he shall file his final

Proviso.

report and account within one year from the approval of this act.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 23, 1883.

CHAPTER CXC.

An Act to provide for the preservation of the public records of cities of this state.

Preamble.

WHEREAS, In many cities of this state the public records of such cities have accumulated to such an extent that, with the present accommodations therefor, there is not sufficient protection from fire or theft; therefore,

Board of finance authorized to provide for preservation of records.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for that board to which the general management and care of the finances of any city in this state is committed to take such steps as may, in the discretion of such board, be necessary for the proper care and preservation of the records of such city, and to provide for the raising of the money necessary for that purpose, either by general tax or by the issuing of the bonds of such city; *provided*, that if bonds are issued they shall not be sold for less than their par value, and shall be made payable at such time as such board shall fix, and shall bear interest at a rate not exceeding five per centum per annum; *and provided further*, that in no case shall the amount of money raised for such purpose exceed the sum of four thousand dollars.

Proviso.

Proviso.

2. *And be it enacted*, That this act shall be deemed a public act, and shall take effect immediately.

Approved March 23, 1883.

CHAPTER CXCI.

A Further Supplement to "An act relative to the publication of the minutes and proceedings of the several municipal boards of the cities of this state," approved February twenty-seventh, one thousand eight hundred and seventy-nine.

Provisions of supplemental act to apply.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That the provisions of the act to which this is a supplement shall be held to apply only to the publications made prior to the approval of such act.

2. *And be it enacted,* That this act shall take effect immediately.

Approved March 23, 1883.

CHAPTER CXCII.

An Act concerning the loan of military property.

Military property loaned by quartermaster general, accurate account of expenses to be kept, how paid.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That when any arms, equipments, ordnance, camp and garrison equipage, or other military stores, or any of the battle flags of New Jersey troops, are issued or loaned by the quartermaster general of this state, in accordance with any law of this state, to any veteran association, or to any independent military organization, it shall be the duty of the quartermaster general to keep an accurate account of the expenses of transportation and the other expenses incident to the carrying out the purposes of such law, and the comptroller is hereby authorized to draw his warrant upon the treasury for the payment of such expenses, upon the approval of the governor.

2. *And be it enacted,* That this act shall take effect immediately.

Approved March 23, 1883.

CHAPTER CXCIII.

An Act respecting assessments for local improvements in towns and townships.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter in assessing the costs and expenses of street, sewer and drainage improvements in any town or township of this state, the commissioners or board of assessment, by whatever name they may be called, shall assess the said costs and expenses upon the land and real estate benefited by such improvement, and in proportion to the benefits therefrom received, and no lot or parcel shall be assessed more than it is benefited; and if the total cost and expenses of an improvement exceed the aggregate amount of the assessable benefits, such excess shall be borne and paid by the town or township at large. Costs and expenses of improvement to be assessed upon land in proportion to benefits received.

2. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed; and this act shall take effect immediately. Repealer.

Approved March 23, 1883.

CHAPTER CXCIV.

A Supplement to an act entitled "An act authorizing the issue of tax arrearage bonds in cities," approved April twenty-first, one thousand eight hundred and seventy-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section four of an act entitled "An act authorizing the issue of tax arrearage bonds in cities," approved April twenty-first, one thousand eight Section amended.

hundred and seventy-six, shall be amended so as to read as follows:

Provisions of act not to extend to certain cities, &c.

4. *And be it enacted,* That the provisions of this act shall not extend to cities that already under their charters or the supplements thereto have power to issue bonds for the purposes mentioned in this act, and for the length of the time herein provided, nor shall anything herein contained be construed to permit an increase of the indebtedness of any city whose debt is now limited by law; but in all cases where said bonds shall have been heretofore, or shall be hereafter issued by any municipality to take the place of a like amount of outstanding temporary obligations of said city, issued in conformity with law in anticipation of the collection of unpaid taxes, said bonds so issued for the purposes aforesaid, shall be, and they are hereby declared to be valid and binding obligations of said city, but the proceeds of the sale thereof shall be applied to the payment of said outstanding temporary obligations, and for no other purpose whatever.

2. *And be it enacted,* That this act shall take effect immediately.

Approved March 23, 1883.

CHAPTER CXCVI.

A Further Supplement to an act entitled "A further supplement to an act entitled 'An act concerning corporations,'" approved April seventh, one thousand eight hundred and seventy-five, which supplement was approved March ninth, one thousand eight hundred and seventy-seven.

Section amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That section one of an act entitled "A further supplement to an act entitled 'An act concerning corporations,'" approved April seventh, one thousand eight hundred and seventy-five, which supplement was approved March ninth, one thousand eight hundred and seventy-seven, be and the same is hereby amended so as to read as follows:

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That when any company incorporated under the laws of this state by special act of incorporation is limited by its charter to a certain amount of capital stock, and a certain number of directors, such corporation shall have power to increase the amount of its capital stock and the number of its directors, on filing with the secretary of state the assent in writing of stockholders representing two-thirds in value of the existing capital stock, and a certificate setting forth the amount of capital stock and number of directors as increased, and the certificate of the secretary of state that such assent and certificate have been filed in his office, shall be taken and accepted as evidence of such increase in any court of this state; *provided*, that the additional capital stock authorized under this act shall be paid for in cash, or shall be issued in payment for land and other property acquired by said company for the purposes of its incorporation and for improvements upon or to its property to the amount of the value thereof.

May increase capital stock on filing assent, &c., in office of secretary of state.

Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 23, 1883.

CHAPTER CXCVII.

An Act concerning horse railroads.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for horse railroad companies, by a vote of a majority (in value) of all the stockholders thereof, to increase their capital stock to any amount not greater than double the number of shares authorized by law at the time such increase shall be made, and to dispose of the shares representing such increase, as their respective boards of directors shall determine to be for the best interests of said company.

Authorized to increase their capital stock.

Statement to be filed in office of secretary of state.

2. *And be it enacted*, That any company availing itself of the provisions of this act, shall immediately thereafter file in the office of the secretary of state, under its corporate seal, and attested by its president and secretary, a statement setting forth the amount of its capital stock as originally authorized, the amount to which it shall have been increased, and the number of shares representing the increase of capital as authorized by the stockholders.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 23, 1883.

CHAPTER CXCVIII.

An Act relating to the consolidation of corporations authorized to establish storehouses, piers or docks, or to maintain yards and buildings for the keeping and accommodation of live stock.

Authorized to consolidate.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any corporation or corporations of this state, created to establish ferries, storehouses, piers or docks, or to maintain yards and buildings for the keeping and accommodation of live stock, to consolidate and merge their corporate rights, franchises, powers and privileges into any one of such corporations so authorized as aforesaid, so that by virtue of this act such corporations shall be consolidated and merged, and so that all the property, rights, franchises and privileges, by law vested in such corporations so merged, shall be transferred to and vested in the corporation into which such consolidation and merger shall be made.

Conditions and restrictions.

2. *And be it enacted*, That such consolidation and merger shall be made under the following conditions and restrictions, to wit:

Shall enter into joint agreement.

I. The directors or managers of each corporation so authorized as aforesaid, shall enter into a joint agreement,

under the corporate seal of each corporation, for the consolidation of said corporations, and of such merger, prescribing the terms and conditions thereof, and the manner of converting the capital stock of the said corporation or corporations so to be merged into the stock or obligations of the corporation into which such merger shall be made, and all other provisions as they shall deem necessary to perfect the said consolidation and merger;

Agreement to be submitted to stockholders of each corporation.

II. Said agreement shall be submitted to the stockholders of each of such corporations, at a meeting thereof, called separately; of the time place and object of which meeting due notice shall be given by publication, once a week, for two successive weeks before said meeting, in one newspaper published in each of the counties in which such corporations, respectively, are authorized to hold real estate; and at said meeting the said agreement shall be considered, and a vote by ballot, in person or by proxy, taken for the adoption or rejection of the same, each share entitling the holder thereof to one vote; and if a majority of all the votes cast at each of such meetings shall be in favor of said agreement, consolidation and merger, then that fact shall be certified by the secretary of such corporation, and said certificate, together with a copy of the agreement, shall be filed in the office of the secretary of the state, whereupon the said agreement shall be deemed and taken to be the act of consolidation and merger of said corporation; but, nevertheless, if any stockholder of either of the companies so consolidated and merged, who shall not have given assent thereto, and who shall be dissatisfied therewith, and shall signify his or her dissent by notice in writing, served on the president, secretary or treasurer of the company into which such consolidation and merger shall have been made, at any time within three months after the vote for the same, he or she shall receive from the company into which the consolidation and merger shall have been made, the fair value of his or her stock at the time when the vote for the agreement of consolidation and merger was so cast as aforesaid, which, if not agreed on, shall be appraised by three disinterested persons resident in this state, to be appointed by the chancellor or supreme court of this state, whose duty it shall be to make such appointment on reasonable notice, on the application of either party; and thereupon, and upon the payment of the

Certificate, &c., to be filed in office of secretary of state.

Proceedings when stockholder does not assent to consolidation.

value so ascertained, such stockholder shall deliver up his or her certificate of stock, if any such has been issued; and the said company, into which the consolidation and merger shall have been made, may re-issue the same amount of stock to any other person or persons.

Merger shall be deemed to have taken place when certificate is filed in office of secretary of state.

3. *And be it enacted*, That upon the filing of the said certificate and copy of agreement in the office of the secretary of the state, the said merger shall be deemed to have taken place, and the said corporations to be one corporation, possessing all the rights, privileges and franchises theretofore vested in either of them; and all the property, real, personal and mixed, and debts due, and rights of action, shall be deemed and taken to be transferred to and vested in the corporation into which such merger shall have been made, without further act or deed; and all property, all rights of way, and all other interests, shall be as effectually the property of such company or corporation into which such merger shall have been made, as they were of either of the former corporations, parties to said agreement; *provided*, that all rights of creditors, and all liens upon the property of either of said corporations shall continue unimpaired, and the respective corporations shall be deemed to be in existence to preserve the same, and all debts, duties and liabilities of either of said corporations shall thenceforth attach to the consolidated corporation, and may be enforced against it to the same effect and by the same process as if said debts, duties and liabilities had been contracted by it; *and provided further*, that in case of any differences or inconsistencies of any nature between the acts regulating said companies respectively, then the said consolidated corporation shall in all respects be regulated by the laws then governing and applicable to the corporation into which such merger shall have been made; *and provided further*, that a certified copy of the said certificate and copy of agreements so to be filed in the office of the secretary of state, shall be evidence of the lawful holding and action of such meeting and of the consolidation of such corporations and of the said merger.

Proviso.

Proviso.

Proviso.

May increase capital stock to carry consolidation into effect.

4. *And be it enacted*, That whenever any consolidation and merger shall have taken place, under and by virtue of this act, between any two or more corporations so authorized as aforesaid, the corporation into which such merger shall be made, shall have power and authority to make such

increase in its capital stock and shares as may be expedient in carrying such consolidation and merger into effect.

Authorized to issue bonds.

5. *And be it enacted*, That whenever any consolidation and merger shall have taken place, under and by virtue of this act, between any two or more corporations so authorized as aforesaid, the corporation into which such merger shall be made shall have the power and authority to issue bonds, either registered or coupon, and to create a mortgage or mortgages on a portion, or on all of its property, real and personal, and also of all its rights, privileges and franchises, to trustees, to secure the payment of the bonds so issued, and to give and exchange the said bonds for the debts and obligations of the respective corporations so consolidated and merged; *provided*, that said bonds shall not bear a rate of interest of more than seven per centum per annum; the bonds so issued may be given in lieu, exchange and in satisfaction of and for all bonds, mortgages or other debts, or claims, or stocks, or obligations against the corporations thus consolidated and merged, upon such terms as may be agreed upon by and between the holders of such debts or claims, and the corporation into which such consolidation and merger has taken place; *provided, always*, that all real estate and property of said company and its successors shall be subject to taxation where located, the same as the property of individuals, and any power exercised under this act is and shall be upon the express provision that such property shall be so subject to taxation.

Proviso.

Proviso.

6. *And be it enacted*, That this act shall take effect immediately.

Approved March 23, 1883.

CHAPTER CC.

An act concerning cities.

Authorized to make additional appropriation to pay census takers.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where in any city or cities of this state, the appropriation made for the payment of the

school census takers of any such city or cities, has not been sufficient to pay such census takers for taking such census the sum fixed by law for taking such census, or where the appropriation made for such purpose was sufficient to pay such census takers the sum required to be paid them by law, but part of such appropriation having been used for some other purpose than as above, and the balance of such appropriation not being sufficient for the purpose as above, that in any such case, and where such census takers have not been paid the amount which the law required should be paid them for taking such census, then and in every such case the board of aldermen, common council, board of finance or other board having the control of the finances of any such city or cities, are hereby authorized and required to make an appropriation of a sufficient sum for the payment of such census takers of at least the difference between the amounts paid them and the minimum compensation fixed by law for taking such census, and such board having the control of the finances of such city or cities shall have power to borrow such sum so as above to be appropriated, and shall place the same in the next annual tax levy of any such city.

Repealer.

2. *And be it enacted,* That any part or parts of any act or acts inconsistent herewith are hereby repealed, and this act shall take effect immediately.

Approved March 23, 1883.

CHAPTER CCI.

A Further Supplement to an act entitled "An act to provide for the organization of the New Jersey home for disabled soldiers," approved April fourth, one thousand eight hundred and sixty-six, providing an additional appropriation for the support of said home, and additional ground for the burial of the dead.

Additional appropriation.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That in addition to the appropri-

ation now authorized by law for the support of the New Jersey home for disabled soldiers, the further sum of five thousand dollars is hereby appropriated for the support of the New Jersey home for disabled soldiers; and, also, the sum of one thousand three hundred dollars for the purchase of additional grounds in Fairmount cemetery for interment of the dead.

How expended, by and to whom paid.

2. *And be it enacted*, That said sums shall be expended under the direction of the board of managers of said home, and the state treasurer is hereby authorized and directed to pay the same, for the purposes aforesaid, to the treasurer of said home, on the warrant of the comptroller of the treasury, out of any moneys in the treasury of this state not otherwise appropriated.

3. *And be it enacted*, That this act shall take effect immediately.

This bill is approved except as to the item of five thousand dollars appropriated by the first section for the support of the New Jersey home for disabled soldiers, to which item and appropriation I object.

G. C. LUDLOW,
Governor.

March 23, 1883.

CHAPTER CCII.

A Supplement to an act entitled "An act to appoint harbor masters and inspectors," approved March thirty-first, eighteen hundred and sixty-nine.

No ship or vessel to be anchored within certain distance of pier extending from certain points.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this act no ship or vessel shall be anchored within three hundred yards of the end of a pier extending from the shore of New Jersey into the waters of New York harbor or of the North or Hudson river, between a point in Jersey City due west from the westmost point of Ellis Island, and a

point in the North river known as Castle point, in the city of Hoboken.

Harbor masters to enforce act.

2. *And be it enacted*, That the harbor masters of the county of Hudson are required to enforce this law.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 23, 1883.

CHAPTER CCIII.

An Act to cure defective executions of conveyances by attorneys or agents.

Defective execution of conveyance not to affect title.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any attorney or attorneys authorized to execute and deliver conveyances for lands, tenements and hereditaments has or have failed to convey the title of their principal or principals thereto, as he or they were so authorized to convey the same, by reason of any informality or irregularity in the recitals or subject-matter contained in said deed or conveyance, or by reason of any informality or irregularity in the execution thereof, although it was the intention of such attorney or attorneys to convey a good title to the same, such informality or irregularity shall not affect the title intended to be so conveyed by said deed or conveyance, but such deed or conveyance shall convey the title of said principal or principals in and to said lands, tenements and hereditaments as effectually as though such informality or irregularity did not exist, and as though said principal or principals had himself or themselves executed said deed or conveyance.

2. *And be it enacted*, That this act shall be a public act, and shall take effect immediately.

Approved March 23, 1883.

CHAPTER CCV.

An Act to create a council of state charities and correction.

Appointment of commissioners.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the governor of the state shall appoint, by and with the advice and consent of the senate, six suitable persons, who shall constitute a council of state charities and correction, of which the governer of the state for the time being shall be president and a member *ex officio*.

Term of office.

2. *And be it enacted*, That the persons first appointed shall serve for one, two, three, four, five, six years respectively, and that all subsequent appointments shall be for six years, except to fill vacancies which occur through death, resignation or removal.

Regular meetings to be held quarterly.

3. *And be it enacted*, That the said council shall hold regular meetings quarterly at the state house, Trenton, and there or at such other places as it may designate, as often as may be necessary; it shall keep a book of minutes, and shall make such rules and regulations as to its own proceedings as it may deem necessary; it may investigate the system of public charities and correctional institutions of the state, and examine into the condition and management of all prisons, penitentiaries, jails, reform schools or other places of correctional detention, whether state, county, township, city, town or borough, and the same as to all lunatic asylums, hospitals, infirmaries or other public institutions of charity or care, and persons therein detained, and recommend, in writing, such changes and additional provisions as it may deem necessary or desirable for the economical and efficient administration of any one or all of them, which recommendations shall be laid before the officers, directors and overseers of such institutions.

Powers.

May appoint a clerk from its members.

4. *And be it enacted*, That this council of state charities and correction shall appoint from among its members a clerk, who shall keep the minutes and accounts and have charge of

the property of said council, to whom may be assigned other special duties in oversight and inspection.

Members to receive no compensation unless assigned to special duties.

Expenses, how paid.

5. *And be it enacted*, That the members of the said council, unless assigned to some special duties by the vote and special provision of said board, shall receive no compensation for their services, but that their actual expenses incurred in the performance of their duties shall be paid by the treasurer of the state when audited by the comptroller and certified by the governor.

May appoint persons to aid in inquiry.

6. *And be it enacted*, That said council may appoint from their own number, or from any county in which such institution exists, not to exceed two persons, to aid them in inquiry into any county, township, city or town institution of charity or correction in said precincts, who shall, in such case, be duly authenticated by the certificate of said council, signed by the president thereof; no inspection of any state institution shall be had by any inspector appointed by this council outside of its own members.

May appoint delegates to national conference.

Expenses, how paid.

7. *And be it enacted*, That the council may, each year, appoint one from its own number, and one from the officers of any correctional or charitable institution of this state, as a delegate to the annual meeting of the national conference of charities and correction; and it shall be their duty to make full report in writing for use by said council of charities and correction; and upon the auditing of said council and approval by the governor, the treasurer is authorized to pay their bill for actual expenses to an amount together not exceeding one hundred dollars.

Stationery, &c., how ordered and paid.

8. *And be it enacted*, That all necessary stationery, postage and printing expenses shall be ordered by the council, subject to the approval of the governor, and shall then be paid on presentation by the comptroller to the treasurer of the state.

Officer in charge of any institution of charities, &c., to keep register of name, age, etc., of each person.

9. *And be it enacted*, That the warden, physician, steward or other officer in charge of any institution of charities or correction in this state, whether state, county, township, city, town or borough, shall keep an exact register, in a form to be prescribed by the council of charities and correction, in which he shall enter the name, age, sex, nationality, orphanage or half-orphanage, condition (whether married or single) of each person in his charge, and other facts throwing light upon the former heredity and history; also the dates of

receipt and discharge, the time and authority of commitment, by whom committed and discharged, the cost of maintenance per day of each person, and the amount earned by each if employed in productive labor, and the hours of labor, with the amounts paid to or received from each; and on or before the first day of October of each year, as the council may direct, each state institution of charities and correction, and each county, township, city, town or borough shall send to the clerk of said council, at Trenton, an abstract of the same, for which the directors of any state charity or correctional institution may order payment, and for which each county, township, city or town governing board of any such local institution of charity or correction shall pay what they shall regard as adequate for the service rendered; said returns shall be uniform, on blanks furnished by the state, corresponding as nearly as possible with the books kept; and these facts shall be so studied and arranged by the council of charities and correction as may be necessary to aid in a knowledge of the cause of dependency, pauperism and crime.

Return to be made.

10. *And be it enacted*, That the council of charities and correction shall annually prepare and present for the use of the legislature a report of all their doings during the year, stating the expenses incurred, the names of officers and agents employed, and showing the actual condition of the institution into which they have, by inspection, by statistics or by correspondence, inquired, and make such suggestions as they may deem necessary; and the council shall either accompany or give full information to any legislative committee that may from time to time be appointed to visit any such institutions.

Annual report to be made to the legislature.

11. *And be it enacted*, That the annual appropriation for such actual expenses as may be incurred by the council in the performance of their duties, or in connection with special duty assigned to any of them, or to any one appointed to aid in inspection or inquiry, shall be one thousand dollars; so much of the same as may be needful to be payable on the rendering of accounts for the same, approved by the council and the governor, and then presented to the comptroller for payment by the treasurer.

Annual appropriation.

12. *And be it enacted*, That this act shall take effect on the first day of May next ensuing, and the act entitled "An act

Repealer.

providing for the record and report of jail statistics," approved March twenty-third, one thousand eight hundred and eighty-two, is hereby repealed, said repeal to take effect on the first day of May, one thousand eight hundred and eighty-three.

Approved March 23, 1883.

CHAPTER CCVI.

A Further Supplement to an act entitled "An act relative to the publication of the laws of this state in the newspapers thereof," approved April twenty-first, one thousand eight hundred and seventy-six.

Laws to be published in newspaper in German language in certain counties.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this act, in counties of this state where there are cities of the first class, the public laws shall be printed and published in one newspaper, daily, in addition to the number contemplated in the act to which this is a supplement, in the German language, in the incorporated city thereof, including the laws of the present session of the legislature; the governor and comptroller to designate said paper under the same regulation and restriction, and at the same compensation as is provided in the act to which this is a supplement.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 23, 1883.

CHAPTER CCVII.

An Act relative to public printing.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the laws enacted at each session of the legislature shall hereafter be printed in the same general style in which the volume of laws was printed in the year one thousand eight hundred and seventy-eight, excepting that the laws shall be collated and indexed under the two heads of general public acts, special public and private acts; also, the legislative documents shall be hereafter printed in the same style in which the said work was done in the year one thousand eight hundred and seventy-eight, omitting the index; the journals of the senate, and minutes of the joint meetings and executive sessions, and the minutes of the house of assembly, shall be printed in the same compact and workman-like manner in which the said work was done in the year one thousand eight hundred and seventy-two; also, that the public bills ordered by either branch of the legislature, shall be printed on good writing paper, with pica type, each page to contain thirty-one lines; and the prices to be paid for said printing shall be as follows: for printing six thousand copies of the session laws, the sum of thirty-five dollars per sheet of sixteen pages; for printing one thousand copies of the journals of the senate, with the minutes of the joint meetings, and one thousand copies of the minutes of the house of assembly, the sum of seventeen dollars per sheet of sixteen pages; for printing one thousand copies of the legislative documents, at the rate of sixty cents per thousand ems for composition, and sixty cents per token of two hundred and fifty impressions of sixteen pages for press-work; for printing two hundred copies of the public bills, ordered by either branch of the legislature, at the rate of five dollars per sheet of four foolscap pages; and in cases where extra copies shall be ordered and delivered to either house, they shall be paid for at the rate of two dollars

Printing, how executed.

Prices to be paid.

per sheet of four foolscap pages for each two hundred extra copies; and for printing the pamphlets and other papers ordered by the legislature, at the rate of seventy-five cents per thousand ems for composition, and seventy-five cents per token of two hundred and fifty impressions of sixteen pages for press-work; *provided*, that in all cases where tabular work is required, with four or more justifications, with or without rules, the price for composition shall be double the rates above stated, and where matter requires three justifications, with or without rules, one price and a half shall be paid; *and provided further*, that seventy-five cents extra per page shall be paid for printing all indices and tables of contents, set in bourgeois type, in the session laws, journals of the senate, and minutes of the house of assembly.

Proviso.

Proviso.

Price to be paid for folding and stitching.

2. *And be it enacted*, That the above prices shall include all the expenses incident to the printing and delivery to the state treasurer of all documents ordered, except folding and stitching (which shall be charged at the current prices for such work), and the paper, which shall be of good quality, and of the following description: for the documents, journals and minutes, white calendered printing paper, twenty-four by thirty-eight inches in size, weighing not less than fifty pounds to the ream of four hundred and eighty sheets; for the laws, the same size as for the journals, and to weigh not less than fifty pounds to the ream of four hundred and eighty sheets; for the bills, to be on good flat cap paper, weighing fourteen pounds to the ream; the price to be allowed for such paper shall be at the lowest rate per pound at which the same is sold per pound by paper dealers in New York or Philadelphia on the first day of April, and satisfactory evidence of the price of such paper, within the said period, shall be submitted to the comptroller before the allowance by him of any bill for paper on which any public printing shall be executed.

Paper.

Price of.

Legislative documents, joint committee on printing to order what documents shall be embraced therein.

3. *And be it enacted*, That all messages, pamphlets, reports or other documents which are deemed of sufficient public importance to be printed and bound for preservation, shall hereafter be embraced in two volumes, under title of legislative documents, and no document or report shall be embraced in said volume unless so ordered by the joint committee on printing; when said joint committee shall order any document to be printed in the said volumes, there shall be

one thousand copies thereof printed, which documents shall be numbered in the order in which they are ordered to be printed; and the governor's annual and other messages shall be classed as document number one in said volume, and shall be preceded by a list of the documents contained in such volume in the order in which they are arranged; when any document shall be ordered to be printed more than once (at periods more than ten days apart), the printer thereof shall be entitled to charge composition, as above provided for, each time the document shall be printed, and in no other case shall more than one composition be paid for the printing of such reports or documents.

Officers to furnish copies

4. *And be it enacted,* That in conformity with the act approved April sixteenth, one thousand eight hundred and forty-six, it shall be the duty of the clerk of the general assembly, and the secretary of the senate, to deliver copies completed of the journals of their respective houses to the persons employed to print the same, within thirty days after the close of the session of the legislature; and in the event of said clerk and secretary failing to deliver such copies, as provided for in this section, they shall forfeit to the treasurer, for the use of the state, one hundred dollars of their salary; and the persons designated to print the said minutes and journals shall finish their work and deliver it to the state treasurer within three months from the time of receiving the copy therefor, under a penalty of three hundred dollars; and the persons designated to print any of the reports or documents not hereinbefore mentioned in this section, shall finish their work and deliver it to the state treasurer, within one month from the time of receiving the copy therefor, under a penalty of three hundred dollars, which sum shall be retained out of the amount due the person making default for printing any report or document; and the state treasurer shall make distribution, according to law, of the said minutes and journals, within one month after he shall receive the same from the person or persons designated to print the same.

Penalty.

Penalty.

Duty of state treasurer.

Indices, by whom and how made, compensation therefor.

5. *And be it enacted,* That the indices to the pamphlet laws, to the journal of the senate and to the minutes of the house of assembly, shall hereafter be made out by the person or persons, respectively, who may be empowered to execute said printing, and the sum of seventy-five dollars each shall

be allowed said printers for compiling said indices; said indices to the pamphlet laws shall be printed in solid bourgeois type, and there shall be but two indices to the pamphlet laws, one following the general public laws and one following the special public and private laws, the last named to be a general index to the whole volume, and said indices shall be made out alphabetically in the style of the indices of the pamphlet laws for the year one thousand eight hundred and seventy-six; the indices to senate journal and to the assembly minutes shall be set solid, in bourgeois type, and shall be made out and printed in the same style as said indices in the year one thousand eight hundred and seventy-two.

Current printer.

6. *And be it enacted*, That John L. Murphy, of Trenton, be employed to print the bills of the senate and such other document printing as may be ordered by the senate, one thousand copies of the legislative documents of the current year, and the annual reports of state officers to the legislature, except when otherwise disposed of by this bill.

Assembly bills, &c.

7. *And be it enacted*, That Naar, Day & Naar, be employed to print bills of the general assembly, and such other document printing as may be ordered by the general assembly.

Printer of volume of laws.

8. *And be it enacted*, That Carleton M. Herrick, of Paterson, be employed to print six thousand copies of the laws enacted at the present session of the legislature, which

When to be delivered.

copies shall be delivered to the state treasurer within two months after the said Carleton M. Herrick shall have received the copies thereof, and on failure thereof the said

Penalty.

Carleton M. Herrick shall forfeit the sum of three hundred dollars, which the said treasurer is authorized to withhold and deduct from the amount due him for printing the said copies; and the treasurer shall make distribution, according to law, of the said copies of the laws within one month after he shall have received the same.

Printer of certain reports.

9. *And be it enacted*, That Carleton M. Herrick, of Paterson, shall be employed to print the usual number of copies of the reports of the attorney general and riparian commissioners.

Printer of certain reports.

10. *And be it enacted*, That William S. Sharp, of Trenton, be employed to print the report of the bureau of labor statistics and industries.

Printer of certain reports.

11. *And be it enacted*, That Albertson L. English, of Atlantic City, be employed to print the report of the banking and savings institutions.

Printer of certain reports.

12. *And be it enacted*, That Thomas G. Bunnell, of Newton, be employed to print the state treasurer's report, the agricultural report, the quartermaster general's report and the report on railroads and canals.

Printer of certain report.

13. *And be it enacted*, That Henry D. Winton, of Hackensack, be employed to print the report of the state normal school.

Printer of certain reports.

14. *And be it enacted*, That James D. Carpenter, of Woodbury, be employed to print the reports of the state board of health, Rutgers scientific school, the state prison report and the report of the comptroller of the treasury.

Printer of certain reports.

15. *And be it enacted*, That Henry W. Wilbur, of Vineland, be employed to print the report of the agricultural experimental station, and the report of the Trenton asylum.

Printer of certain report.

16. *And be it enacted*, That Alfred E. Gregory, of Jersey City, be employed to print the report of the state board of education.

Printer of senate journal, &c.

17. *And be it enacted*, That M. H. C. Vail, of Newark, be employed to print one thousand copies of the senate journal, and minutes of joint meetings and executive sessions for the current year, in compact form, as per journal of one thousand eight hundred and seventy-two.

Printer of certain report.

18. *And be it enacted*, That W. B. Guild, of Newark, be employed to print the report of the state lunatic asylum at Morristown.

Printer of certain report.

19. *And be it enacted*, That Alfred M. Heston, of Bridgeton, be employed to print the adjutant general's report.

Printer of minutes of assembly, and certain report.

20. *And be it enacted*, That A. V. D. Honeyman, of Somerville, be employed to print one thousand copies of the minutes of the house of assembly for the current year, in compact form, as per minutes of one thousand eight hundred and seventy-two, and report of commissioner of insurance.

Printer of certain reports.

21. *And be it enacted*, That S. C. Jennings, of Toms River, be employed to print the reports of the railroad commissioners, commissioners of Morristown asylum, soldiers' home, reform school, commissioners of sinking fund, state librarian, and commissioners of pilotage, and industrial school for girls.

Printer of certain reports.

22. *And be it enacted*, That Theodore S. Preith, of the city of Newark, be employed to print the usual number of copies of the reports of the bureau of labor statistics and the state board of agriculture in the German language.

Printer of certain reports in German, &c.

23. *And be it enacted*, That Joseph Knorr, of the city of Newark, be employed to print the report of the state geologist, for the year one thousand eight hundred and eighty-three, in the German language, and the report of the board of health for one thousand eight hundred and eighty-three.

Printer of certain reports in German, &c.

24. *And be it enacted*, That Charles Schmidt, of the city of Elizabeth, be employed to print one thousand copies of the report of the state board of education for the year one thousand eight hundred and eighty-two in the German language, and the board of health for one thousand eight hundred and eighty-two.

Printer of certain report.

25. *And be it enacted*, That F. F. Patterson, of Camden, be authorized to print the report of the state geologist.

Duty of secretary of state to furnish copy.

26. *And be it enacted*, That it shall be the duty of the secretary of state to deliver or cause to be delivered to the person or persons who shall be employed to print the copies of the laws, a copy of every law passed at this session of the legislature, within thirty days after the passage of each law, and on failure thereof shall be compelled to pay to the person or persons employed to print the copies of the laws, any sum which he or they may have forfeited by reason of such default.

Penalty.

Repealer.

27. *And be it enacted*, That all acts or parts of acts conflicting with the provisions of this act, be and the same are hereby repealed.

28. *And be it enacted*, That this act shall take effect immediately.

Approved March 23, 1883.

CHAPTER CCVIII.

An Act to enable cities of the first class to build main sewers in certain districts, and to acquire private lands for that purpose.

Authority to build main sewer in certain districts, and to acquire lands therefor.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That when in a city of the first class any neighborhood of said city lacks sewers for the proper drainage thereof, and the protection of the health of the inhabitants thereof, and there are no public streets through which it is feasible and advantageous to the city to build a main sewer from such neighborhood to tide water or other waters into which the sewerage of such city is emptied, then it shall be lawful for the board of such city having charge of the construction of sewers to lay out and construct a main sewer or sewers, sufficient for the proper drainage of such neighborhood, through and upon any lands in such city that may be in the line of such sewer or sewers located as hereinafter provided; the proceedings for the construction of such sewer or sewers, and for the assessment for the expense thereof, shall correspond in all respects with the proceedings now prescribed by law in such city for the construction of main sewers and the assessments for the expense thereof, except so far as modified by this act.

Owners of land may make application to have sewers constructed.

2. *And be it enacted*, That any fifty (50) owners of land lying within such neighborhood may present to the said board an application in writing, designating the neighborhood lacking proper drainage, and setting forth the particulars bringing such neighborhood within the meaning of the first section of this act, and praying that a main sewer or sewers be constructed for the use of said neighborhood; the said board shall thereupon proceed to act upon said application in the same manner as is now provided by law for proceedings to construct sewers in such city; and if such board determine to construct the sewer or sewers applied for, they

Proceedings upon application.

may locate the same either wholly upon private lands, or partly in streets and partly upon private lands, as the nature of the case may require.

Costs and expenses, how assessed.

3. *And be it enacted*, That of the costs and expenses of the construction of such sewers, including the cost of real estate acquired therefor as hereinafter provided, there shall be assessed by the officers charged with the duty of making assessments in such city upon the property benefited thereby, such portion as will be equal to the amount of the benefits actually acquired by said property, proportioned equitably to the benefit each piece of property shall be deemed to acquire; *provided*, that whenever the benefits of such main sewer or sewers are extended to other property by the building of lateral sewers or connections, there shall in like manner be assessed upon such property a just portion of the costs and expenses of such main sewer or sewers, which assessment may be made in connection with an assessment for such lateral sewers, or as an independent assessment.

Proviso.

Remainder of costs and expenses to be paid by city.

4. *And be it enacted*, That the remainder of such costs and expenses, if any, remaining unassessed, shall be paid by the city, and such city may issue its bonds to the amount necessary to pay the same, which bonds shall be of such denomination, form, terms and conditions, and bear such rate of interest, not exceeding six per centum per annum, as shall be determined by the legislative body of such city having charge of the finances thereof, and shall be executed under the common seal of the city and the signature of the mayor or other officers thereof.

Bonds, rate of interest.

Proceedings to acquire property other than public highway.

5. *And be it enacted*, That when any such sewer or sewers shall be located upon any land other than public highways or streets, and such land or any easement, right or estate therein, shall be necessary for the construction of said sewer or sewers, then it shall be lawful for said city to acquire the said land in fee simple, or any lesser estate or right therein; the proceedings for acquiring such property shall conform to the proceedings now provided by law for the acquiring of land for the opening of streets in such cities; in case it shall be necessary to cross any lands of the state under water, in the construction of such sewer, for the purpose of obtaining an outlet, it shall be lawful to take and use such lands for that purpose; the money for such improvement may be

raised by the sale of improvement certificates, issued according to the provisions of law governing such city; the issue and sale whereof for the purposes of this act are hereby authorized.

6. *And be it enacted*, That this act shall take effect immediately.

Approved March 23, 1883.

JOINT RESOLUTIONS.

JOINT RESOLUTIONS.

NUMBER I.

Joint Resolution to congress asking relief and protection to citizens along the sea coast of New Jersey, from steam yacht menhaden fishing with purse seines.

WHEREAS, The inhabitants along the sea shore of New Jersey have been in the habit of catching, in addition to other food fish, large quantities of menhaden or moss-bunkers, used by many for food; *and whereas*, the menhaden are naturally inclined to draw toward the beach, and being a principal "*feed*" for other and better grades of *food* fish, the latter naturally follow the "*feed*," thereby affording those persons residing contiguous to the ocean, favorable opportunities for securing the means of subsistence, and also of furnishing the home market, with its increasing demands along the entire coast, as well as that of the country and cities, with a very important article of food; *and whereas*, the said persons residing aforesaid, especially those accustomed to the occupation of fishing in the ocean adjacent to the beach, have been and are being greatly injured in their business, by men fishing with steamers and purse seines from other states and territories, who operate their machinery within a few hundred yards of the beach, by which means the life-time business and dependence for subsistence of a worthy, useful and needy class of citizens are being destroyed, the people deprived of a needed article of food, and the eastern section of the state of its natural sources of revenue and income; and the aforesaid citizens, realizing that they have no means of competing with or protecting themselves against so formidable an enemy, are compelled to seek relief and protection

from the power they are assured can render it; believing, therefore, as we do, that the general government exercises jurisdiction over the waters of the Atlantic ocean a sufficient distance from the beach to answer all practical purposes; therefore,

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That our senators and representatives in congress from this state be, and they are hereby, respectfully and urgently requested to use their influence and best endeavors for, and to urge such action as it may be the prerogative and right of congress to adopt, in order to afford the necessary relief and protection to the aforesaid citizens of New Jersey, by prohibiting the mode and means of fishing referred to for a reasonable distance from the beach, that the natural rights and privileges enjoyed by said citizens from time immemorial may be continued and guaranteed to them.

2. *And be it resolved*, That his excellency the governor of this state be, and he is hereby, respectfully requested to transmit to each of our senators and representatives in congress a certified copy of the foregoing preamble and resolution.

Approved February 8, 1883.

NUMBER II.

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the quartermaster general be, and he hereby is, directed to loan to The Orange Rifles, a military organization located and established at the city of Orange, New Jersey, one hundred and fifty stands of arms, with the necessary equipments thereto appertaining; *provided, however*, that the said The Orange Rifles first enter into bond, with two or more sureties, to the said quartermaster general, in an amount equal to the value of said arms loaned, to return said arms to the state of New Jersey when the same may be required.

2. *And be it resolved*, That this resolution shall take effect immediately.

Approved February 23, 1883.

NUMBER III.

Joint Resolution in relation to medals for the New Jersey Battalion.

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the governor be instructed to cause a medal to be prepared and presented to each of the officers and men of the New Jersey Battalion, to commemorate their good conduct at the centennial anniversary of the battle of Yorktown, the cost not to exceed one thousand dollars.

2. *And be it resolved*, That this joint resolution shall take effect immediately.

Approved March 8, 1883.

NUMBER IV.

A Joint Resolution providing for an exchange of state bonds in certain cases.

WHEREAS, Certain holders of registered bonds of this state (known as war "bonds") have, for the purpose of the division of estates, made application to the state authorities for the exchange of said bonds for similar bonds of smaller denominations than those held by the said applicants; therefore,

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the governor and treasurer, upon the application of holders of New Jersey bonds of a larger denomination than one thousand dollars, are hereby authorized to exchange and substitute a like amount of registered bonds of the state, of a denomination not less than

one thousand dollars each, for registered bonds of a larger denomination which have already been issued under the laws of this state, and which have not yet become due; *provided*, that the time of payment and redemption, the rate of interest and the other conditions of the bonds so substituted shall, in all respects, agree with the bonds for which they are substituted or exchanged, and that nothing herein contained shall be construed to authorize any change in the existing obligations of the state concerning the bonds already issued; *and provided further*, that the conditions as to signing, sealing and registry, prescribed by the law for the issue of the original bonds, shall be observed in the issue of any bonds substituted in accordance herewith.

2. *And be it resolved*, That this joint resolution shall take effect immediately.

Approved March 13, 1883.

NUMBER V.

Joint Resolution to congress, asking the appropriation of funds to establish telegraphic or telephonic communication between the superintendent of the life saving service in this state and the several stations on the coast of New Jersey.

WHEREAS, The life saving service, under its present efficient management, has attained a reputation approaching perfection, having from time to time been improved by the congress of the United States, by the enactment of laws materially strengthening the service, and by liberal appropriation of money to increase the remuneration of the brave men engaged in the cause of humanity, to wit, saving the lives of their fellow men; *and whereas*, in order to further increase its usefulness by the speedy notification of disaster on our coast, additional laws and appropriations are necessary; therefore,

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That our senators and representatives in congress be, and they are hereby, earnestly requested to exert their influence for the passage of a law authorizing the establishment of telegraphic or telephonic communication between the several stations on the coast of New Jersey and the office of the superintendent of the life saving service in this state, thereby placing him in direct communication with the keepers and surfmen in his district during the severe storms which frequently spread devastation along our said coast.

2. *And be it resolved*, That the governor be, and he is hereby, requested to transmit a copy of this resolution to each of our senators and representatives in congress, to the general superintendent of the life saving service, and to the superintendent of said service in this state.

Approved March 23, 1883.

NUMBER VI.

Joint Resolution to congress asking for the abolishment of all compulsory pilotage upon vessels engaged in the coasting trade.

WHEREAS, The owners and masters of vessels of this state employed in the coasting trade have been, and still are, subjected to onerous and unjust charges in the waters of other states, under the guise of pilotage fees, port charges, and in other vexatious and knowing ways, to the great injury of such trade, and the depreciation of vessel property and the lowering of seamen's wages; *and whereas*, the masters and mates of such vessels engaged in the coasting trade are perfectly competent to guide such vessels in and out of port without the aid or assistance of any such local pilot; therefore,

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the senators and representa-

tives in congress from this state be, and they are hereby, requested to use all honorable means to secure the passage by congress of some measure relieving the coasting trade from such grievous and unnecessary burdens and exactions.

2. *And be it resolved*, That his excellency the governor of this state be, and he is hereby, respectfully requested to transmit a copy of this resolution, duly attested by the secretary of state, to each of our senators and representatives in congress.

Approved March 23, 1883.

PROCLAMATIONS.

New Jersey State Library

PROCLAMATIONS

BY

GEORGE C. LUDLOW, GOVERNOR OF NEW JERSEY.

PROCLAMATION BY THE GOVERNOR.

Having been by the proper authorities informed of the danger of tumult and disturbance in the county of Hudson, I deem it advisable and proper to notify all persons concerned, that for the honor and prosperity of the state the laws must be obeyed, and all unlawful force or violence must be prevented.

The power vested in the civil authorities of the several localities is great, and must be used for the protection of persons and property.

Upon the localities will fall the loss resulting from riotous actions, and upon them is the burden of preserving the peace.

The military power of the state will be promptly used to aid the local authorities in their efforts to preserve the public peace and to protect property.

I give this timely notice to avoid any misunderstanding.

I feel too much confidence in the good sense, good judgment and good conduct of the people of the county of Hudson to believe that the resort to such an extraordinary and harsh measure will be made necessary.

Given under my hand and seal, at the executive
[L. S.] department, in the city of Trenton, the twenty-sixth day of June, in the year of our Lord one thousand eight hundred and eighty-two.

G. C. LUDLOW, *Governor.*

Attest:

JOS. L. NAAR, *Private Secretary.*

PROCLAMATION BY THE GOVERNOR.

It has pleased Almighty God, in the amplitude of His love and mercy, to grant to the people of this state a continuance of the blessings of bounteous harvests, renewed business prosperity, a peaceful submission to law and authority, and the enlargement of the influences of education and religion. In humble recognition of our dependence upon and gratitude to Him,

I, GEORGE C. LUDLOW, governor of the state of New Jersey, do hereby appoint THURSDAY, THE THIRTIETH DAY OF NOVEMBER, instant, as a day of public thanksgiving and prayer throughout the state, and recommend that on that day the people do abstain from their accustomed avocations, and in their usual places of worship do give thanks unto the Lord for His manifold kindnesses and everlasting mercy, and offer up their prayers for His guidance, protection and blessing.

Given under my hand and privy seal, at the executive chamber, in the city of Trenton, this [L. S.] tenth day of November, in the year of our Lord one thousand eight hundred and eighty-two, and of the independence of the United States the one hundred and seventh.

G. C. LUDLOW, *Governor.*

Attest:

JOS. L. NAAR, *Private Secretary.*

CONTENTS PUBLIC LAWS.

CONTENTS OF GENERAL PUBLIC LAWS.

Chapter.		Page.
1.	A further supplement to an act entitled "An act relative to sales of land under a public statute, or by virtue of any judicial proceeding," approved March twenty-seventh, one thousand eight hundred and seventy-four.	11
2.	An act to authorize cities in this state to issue and dispose of water bonds or water scrip to renew certain water bonds or water scrip	12
3.	An act to extend the time of chartered railroad companies, whose time for completing their railroads shall expire in the year one thousand eight hundred and eighty-three, where work has been performed on said railroads, or money expended thereon	14
4.	An act for the punishment of cruelty to children	14
5.	An act to authorize cities of the second class to make additional appropriations for police purposes	16
6.	An act to authorize the payment of the sum of one thousand dollars to the paymaster of the Sixth Regiment Infantry, Second Brigade, National Guard of the State of New Jersey, for Company B of said regiment, its appropriation for the years one thousand eight hundred and seventy-nine and one thousand eight hundred and eighty-one	17
7.	A supplement to an act entitled "An act to prevent in certain cases the abatement of suits and reversal of judgments," approved March twenty-seventh, one thousand eight hundred and seventy-four [Revision]	18
8.	Supplement to an act entitled "An act in relation to county expenditures," approved April second, one thousand eight hundred and seventy-eight	18
10.	An act in relation to ferries	20
11.	An act for the classification of counties of this state for all purposes of legislation in relation thereto	20
12.	A further supplement to an act entitled "An act concerning sheriffs," approved March fifteenth, anno domini one thousand eight hundred and seventy-six	21

Chapter. Page.

13. An act in relation to city printing in the cities of this state..... 23

14. A further supplement to the act entitled "An act to secure to mechanics and others payment for their labor and materials in erecting any building," extending liens to alterations..... 24

16. Supplement to "An act to amend an act to partially consolidate the several game laws of this state."..... 24

17. An act to authorize the construction of a connecting sewer in cities, in certain cases, and providing for the payment thereof..... 25

18. An act to secure the performance of contracts for city improvements within the time required by such contract..... 27

19. A supplement to the act entitled "An act for the maintenance of bastard children," approved March twenty-seventh, one thousand eight hundred and seventy-four. 28

20. A supplement to an act entitled "An act to incorporate societies for the promotion of learning" [Revision], approved April ninth, one thousand eight hundred and seventy-five..... 28

21. An act increasing the compensation to be paid to commissioners of appeals in cases of taxation, being an act to amend an act entitled "An act concerning taxes," approved April fourteenth, one thousand eight hundred and forty-six..... 29

22. An act to authorize the construction of school houses in cities of the first class of this state..... 30

23. An act concerning cities of the third class..... 31

24. An act to authorize cities to make additional appropriations for purposes of public health..... 32

25. A supplement to the act entitled "An act for the limitation of actions" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.. 33

26. A supplement to an act entitled "An act in relation to encumbered cities," approved March seventeenth, one thousand eight hundred and eighty-one..... 34

27. An act to establish a uniform standard for the measurement of land in the state of New Jersey..... 35

28. An act relative to persons combining and encouraging other persons to combine..... 36

29. An act prescribing the manner of payment of salaries or wages of officers an employes of cities of the first class..... 36

Chapter. Page.

30. An act ratifying the settlement of past due assessments... 37
31. An act concerning cities of the third class..... 37
32. An act concerning cities of the third class..... 38
33. An act concerning township officers..... 39
34. An act to authorize townships to employ police..... 39
35. A supplement to an act entitled "An act to establish a bureau of statistics upon the subject of labor, considered in its relation to the growth and development of the state industries"..... 40
36. An act to provide for the further relief of the poor in cities of the first class..... 41
37. A supplement to the act entitled "An act for the relief of creditors against absconding and absent debtors" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four..... 42
38. An act in relation to the powers of county public road boards..... 43
39. A supplement to an act entitled "An act concerning roads" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four..... 43
40. An act amending "An act to incorporate the chosen freeholders in the respective counties of this state" [Revision], approved April sixteenth, one thousand eight hundred and forty-six..... 44
41. An act to repeal "An act to regulate and prevent extravagance in the use of school books in cities"..... 45
42. An act respecting the repairing and relaying of plank, stone and other walks in incorporated towns and boroughs of this state..... 46
43. An act to regulate the sale of poisons..... 47
44. An act authorizing the establishment of hospitals in the cities of the state..... 47
45. An act to enable associations of Baptist churches in this state to change their corporate names..... 49
46. Supplement to an act entitled "An act concerning savings banks," approved April twenty-first, one thousand eight hundred and seventy-six..... 50
48. A further supplement to the act entitled "An act for the better enforcement in Maurice river cove and Delaware bay of the act entitled 'An act for the preservation of clams and oysters,"' approved April fourteenth, eighteen hundred and forty-six, and of the supplements thereto..... 51

Chapter. Page.

49. Supplement to "An act respecting taxes" 52

50. A further supplement to an act entitled "An act relative to sales of lands under a public statute or by virtue of any judicial proceeding" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four 53

51. An act for the better enforcement in Delaware bay and Maurice river cove of an act entitled "An act for the preservation of clams and oysters," approved April fourteenth, one thousand eight hundred and forty-six, and the supplements thereto 54

52. An act to amend an act entitled "A further supplement to an act entitled 'An act declaring when the death of persons absenting themselves shall be presumed,' passed March seventh, one thousand seven hundred and ninety-seven," approved April fourth, one thousand eight hundred and seventy three 55

53. An act relating to the powers and duties of law or president judges of the courts of common pleas 56

54. A supplement to an act entitled "An act to incorporate benevolent and charitable associations" [Revision], approved April ninth, one thousand eight hundred and seventy-five 57

55. Supplement to the act entitled "An act for the incorporation of fire companies," approved April twenty-first, one thousand eight hundred and seventy-six 58

56. An act to authorize cities of the second class to fund their indebtedness 59

57. An act to limit the age and employment hours of labor of children, minors and women, and to appoint an inspector for the enforcement of the same 59

58. A supplement to an act entitled "An act concerning corporations," approved April seventh, one thousand eight hundred and seventy-five 62

59. An act in relation to the Stevens battery, and appropriating the proceeds of the sale thereof 63

60. Supplement to an act entitled "An act concerning taxes," approved April fourteenth, one thousand eight hundred and forty-six 65

61. An act to authorize the boards of chosen freeholders in counties of the first class in this state to lay out, open and improve a public road in each of the counties of the first class in this state 65

62. An act relative to the management of the sinking fund. 79

Chapter. Page.

63. A supplement to an act entitled "An act for the punishment of crimes," approved March twenty-seventh, one thousand eight hundred and seventy-four..... 80

64. An amendment to an act entitled "An act in relation to past due taxes and assessments," approved March twenty-third, A. D. one thousand eight hundred and eighty-two..... 81

65. A further supplement to an act entitled "An act to regulate fences," passed January twenty-third, one thousand seven hundred and ninety-nine..... 82

66. A supplement to the act entitled "An act incorporating the inhabitants of townships, designating their powers and regulating their meetings," approved April fourteenth, one thousand eight hundred and forty-six..... 83

67. A further supplement to the act entitled "An act to provide for the regulation and incorporation of insurance companies" [Revision], approved April ninth, eighteen hundred and seventy-five..... 83

68. An act for the protection of producers and shippers of milk..... 84

69. A supplement to an act entitled "An act to regulate proceedings in criminal cases," approved March twenty-seventh, one thousand eight hundred and seventy-four.. 87

70. An act relating to certain contracts for the lease or conditional sale of railroad equipment and rolling stock, and providing for the record thereof.. 87

71. An act to repeal an act entitled "A supplement to an act to amend and consolidate the several acts relating to game and game fish," approved the twenty-seventh day of March, one thousand eight hundred and seventy-four, approved March third, one thousand eight hundred and eighty-one..... 88

72. An act for the relief of officers and employes of boards of education whose salaries have not been paid by reason of the failure of any bank in which money has been deposited, which was to be used for the purpose of paying such salaries..... 89

73. An act explanatory of section twenty-four of the act entitled "An act relative to public printing," approved March twenty-fourth, one thousand eight hundred and eighty-two..... 90

74. An act relative to interest on arrears of taxes and assessments in incorporated cities..... 91

Chapter. Page.

75. A further supplement to an act entitled "An act to establish and regulate pilots from the ports of Jersey City, Newark and Perth Amboy, by way of Sandy Hook"..... 92

77. An act regulating the number of school trustees to be elected in the respective school districts of this state, being a supplement to an act entitled "An act to establish a system of public instruction," approved March seventeenth, one thousand eight hundred and seventy-four..... 93

78. A supplement to the act entitled "An act relative to the publication of the laws of this state in the newspapers," approved April twenty-first, one thousand eight hundred and seventy-six..... 94

79. A supplement to an act entitled "An act to regulate elections," approved April eighteenth, one thousand eight hundred and seventy-six..... 95

80. A supplement to an act entitled "An act for the formation of borough governments," approved April third, one thousand eight hundred and seventy-eight..... 96

81. An act authorizing the issue of additional bonds for the extension and maintenance of water works in certain cities in this state..... 98

82. A further supplement to the act entitled "An act to enable cities to supply the inhabitants thereof with pure and wholesome water," approved April twenty-first, anno domini one thousand eight hundred and seventy-six..... 98

83. An act permitting the catching of fish by set lines and fish weirs in those tributaries of the Delaware river above tide-water which are obstructed by dams..... 99

84. An act to authorize incorporated towns having the power to license and regulate inns and taverns, restaurants and beer saloons, to impose a license fee for the purpose of revenue..... 100

85. An act concerning the government of cities of the second class..... 100

86. A further supplement to an act entitled "An act for the government and regulation of the state prison," approved the twenty-first day of April, eighteen hundred and seventy-six..... 101

87. An act to provide for the purchase, construction and maintenance of public parks by the cities and other municipalities in this state..... 102

Chapter. Page.

88. A supplement to an act entitled "An act for the organization of the national guard of New Jersey," approved March ninth, one thousand eight hundred and sixty-nine..... 103

89. A further supplement to "An act concerning railroad corporations," approved March sixth, one thousand eight hundred and seventy-seven..... 105

90. An act to provide for some special work for the benefit of agriculture..... 106

91. An act amending "An act respecting county jails," approved April twenty-first, one thousand eight hundred and seventy-six..... 107

92. An act to authorize and empower any Methodist Episcopal church to sell and convey any lands and real estate owned by said church, not occupied by such church for burial or other purposes..... 108

93. An act to authorize the comptroller to file an amended abstract of ratables from Bergen county for the year one thousand eight hundred and eighty-two..... 108

94. An act relative to the management of the moneys of the school fund..... 110

95. An act authorizing the refunding of a state assessment.. 111

96. An act prohibiting the sale of cigarettes or tobacco in any of its forms to minors..... 112

97. A supplement to an act entitled "An act to regulate the sale of petroleum and its products," approved March thirty-first, one thousand eight hundred and eighty-two..... 112

98. A supplement to an act entitled "An act to incorporate trustees of religious societies" [Revision], approved April ninth, one thousand eight hundred and seventy-five. (Title, Protestant Episcopal.)..... 114

99. A further supplement to an act entitled "An act to regulate the state library," approved March twenty-ninth, one thousand eight hundred and seventy-eight..... 114

100. An act to authorize churches and other religious societies to change the time of holding their annual meeting..... 115

101. An act to authorize and empower the trustees of any Methodist Episcopal church to whom, as such trustees, any conveyance of lands and real estate has been made, to convey the same to the church of which they are trustees, by its corporate name..... 115

Chapter. Page.

102. An act to provide for deficiencies created by loss of public funds borrowed or raised for the payment of costs and expenses incurred in constructing sewers and making other improvements in townships and villages..... 116

103. A supplement to an act entitled "A further act concerning taxes, making the same a first lien on real estate, and to authorize sales for the payment of the same," approved March fourteenth, one thousand eight hundred and seventy-nine..... 117

104. Supplement to an act entitled "An act to establish a state board of health," approved March ninth, one thousand eight hundred and seventy-seven, and to supplements thereto relating to the contagious diseases of animals 118

105. Supplement to an act entitled "An act relating to local boards of health," approved March twenty-second, one thousand eight hundred and eighty-one 119

106. An act to amend an act entitled "An act to authorize the incorporation of rural cemetery associations and regulate cemeteries" [Revision], approved April ninth, one thousand eight hundred and seventy-five.... 123

107. A supplement to "An act regulating proceedings in criminal cases" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.... 124

108. A supplement to an act entitled "An act to regulate the practice of medicine and surgery," approved March twelfth, one thousand eight hundred and eighty, and the supplement thereto approved March second, one thousand eight hundred and eighty-one..... 125

109. Supplement to "An act respecting conveyances" [Revision], approved March twenty-seventh, anno domini eighteen hundred and seventy-four..... 126

110. A supplement to an act entitled "An act for the preservation of fish," approved April fifth, one thousand eight hundred and seventy-eight..... 127

111. A supplement to an act entitled "An act for the formation of borough commissions," which act was approved March seventh, one thousand eight hundred and eighty-two..... 128

112. A supplement to the act entitled "An act to authorize certain townships of this state to issue bonds," passed March twenty-first, eighteen hundred and eighty-one.. 129

113. An act for the support of the state reform school for boys..... 130

Chapter. Page.

114. An act to authorize the appointment of commissioners to the Southern Exposition..... 130

115. A supplement to the act entitled "An act respecting the orphans' court, and relating to the powers and duties of the ordinary and the orphans' court and surrogates," approved March twenty-seventh, anno domini one thousand eight hundred and seventy-four..... 131

116. A supplement to an act entitled "An act concerning savings banks," approved April twenty-first, one thousand eight hundred and seventy-six..... 132

117. Supplement to an act exempting firemen from taxation, approved March twenty-fourth, one thousand eight hundred and eighty-one..... 133

118. An act to defray the incidental expenses of the New Jersey legislature for the session of one thousand eight hundred and eighty-two. 134

119. A supplement to an act entitled "An act to defray the incidental expenses of the New Jersey legislature for the session of one thousand eight hundred and eighty-two." 142

120. An act to defray the incidental expenses of the legislature of New Jersey, for the session of one thousand eight hundred and eighty-three..... 142

121. A supplement to an act entitled "An act for the government and regulation of the state prison," passed April twenty-first, one thousand eight hundred and seventy-six..... 151

122. Supplement to an act entitled "An act respecting prosecutors of the pleas of the state," approved April sixteenth, one thousand eight hundred and forty-six..... 153

123. An act to provide for the support and maintenance of the state industrial school for girls..... 153

124. An act to defray the expenses of a special committee of the house of assembly to investigate the taxation of railroads and other corporations in this state..... 154

125. An act to provide for the construction of proper wastegates in dams 155

126. An act for the classification of boroughs and incorporated villages of this state for the purposes of municipal legislation in relation thereto..... 157

127. An act to prevent fraudulent voting at elections... 158

128. A supplement to an act entitled "An act for the prevention of cruelty to animals," approved March eleventh, one thousand eight hundred and eighty. 159

Chapter. Page.

129. A supplement to an act entitled "An act concerning roads," approved March twenty-seventh, one thousand eight hundred and seventy-four... 165

130. An act concerning shooting societies..... 166

131. Supplement to an act entitled "An act for the formation of borough commissions," approved March seventh, one thousand eight hundred and eighty-two..... 167

132. An act to authorize the formation of religious corporations by members of societies or confraternities of clergymen..... 168

133. A further supplement to the act entitled "An act relating to the division of certain cities in this state into wards," approved March twenty-second, one thousand eight hundred and eighty-one..... 170

134. An act to prevent and punish bribery at primaries, conventions and elections..... 171

135. A supplement to an act entitled "An act to authorize the incorporation of rural cemetery associations and regulate cemeteries"..... 174

136. A further supplement to "An act to enable cities to supply the inhabitants thereof with pure and wholesome water" [Revision], approved April twenty-first, one thousand eight hundred and seventy-six 176

137. An act constituting police courts in certain cities in this state..... 177

138. An act to amend an act entitled "An act to establish a system of public instruction" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four... 185

139. A supplement to an act entitled "An act to prevent the adulteration of food or drugs," approved March twenty-fifth, one thousand eight hundred and eighty-one..... 185

141. A supplement to an act entitled "An act authorizing the formation of partnership associations in which the capital subscribed shall only be responsible for the debts of the associations, except under certain circumstances," approved March twelfth, one thousand eight hundred and eighty... 188

142. An act to better regulate and control a day and night police force in certain townships of this state..... 189

143. An act relative to the appropriation of money devoted to the sinking fund of certain towns in this state..... 191

Chapter. Page.

144. Supplement to an act entitled "A further supplement to an act entitled 'An act concerning taxes,'" approved April fourteenth, one thousand eight hundred and forty-six, and which said supplement was approved April eleventh, one thousand eight hundred and sixty-six. 192

145. An act to further regulate the licensing of inns and taverns, and places for the sale of malt, vinous, spirituous and other intoxicating liquors or drinks..... 194

146. An act to authorize cities of the first class of this state to erect armories and to provide for the payment for the costs of erection..... 195

147. An act relating to re-assessments in cases where a former assessment is or has been vacated, not as a whole, but as to one or several prosecutors only..... 196

148. An act in relation to volunteer fire departments of cities of the second class... 198

149. An act concerning certain townships in this state 199

150. A supplement to an act entitled "An act for the punishment of crimes," approved March twenty-seventh, one thousand eight hundred and seventy-four 199

151. A further supplement to an act entitled "An act concerning townships and township officers," approved April twenty-first, one thousand eight hundred and seventy-six.. 200

152. A supplement to an act entitled "An act for the construction, maintenance and operation of water works for the purpose of supplying cities, towns and villages of this state with water," approved April twenty-first, eighteen hundred and seventy-six..... 201

153. A supplement to an act entitled "An act for the incorporation of fire companies," approved April twenty-first, one thousand eight hundred and seventy-six..... 201

154. An act to prevent the spread of contagious diseases of animals.. 202

155. An act concerning cities..... 203

156. An act concerning street and sewer improvements in cities of the second class..... 203

157. A further supplement to the act entitled "An act for the construction, maintenance and operation of water works for the purpose of supplying cities, towns and villages with water," approved April twenty-first, one thousand eight hundred and seventy-six..... 204

Chapter. Page.

158. An act authorizing Baptist churches to change their corporate names... 205

159. An act to provide for improvements in the state prison.. 206

160. An act to provide for the incorporation of associations for the promotion of art, and for the erection of museums and monuments 207

161. A further supplement to the act entitled "An act respecting conveyances" [Revision], approved March seventeenth, one thousand eight hundred and seventy-four.. 209

162. An act authorizing limited appropriations for the relief and education of certain indigent children in the cities of the state 209

163. An act relative to public printing 210

164. An act to extend the time for the completion of railroads 212

165. An act to amend section seventy-eight of the act entitled "An act for the organization of the national guard of the state of New Jersey," approved March ninth, one thousand eight hundred and sixty-nine 212

166. A further supplement to an act entitled "An act concerning townships and township officers," approved April twenty-first, one thousand eight hundred and seventy-six 213

167. An act to provide for the modifying of the salaries of city officers who hold their office for an indefinite term 214

168. An act concerning recorders in cities of the third class... 214

169. An act respecting the record of transfers of real property 215

170. A further supplement to the act entitled "An act to provide additional accommodations for the insane of this state," approved March thirty-first, one thousand eight hundred and seventy-one.. 216

171. An act amending "An act to provide for the record and report of jail statistics," approved March twenty-third, one thousand eight hundred and eighty-two 217

172. A supplement to "An act respecting railroads and canals," approved March twenty-seventh, one thousand eight hundred and seventy-four 218

173. A supplement to the act entitled "An act to compel the determination of claims to real estate in certain cases, and to quiet the title to the same," approved March the second, one thousand eight hundred and seventy... 219

Chapter. Page.

174. An act to validate the acts of constables who have not renewed their bonds..... 219

175. A supplement to the act entitled "An act concerning corporations" [Revision], approved April seventh, one thousand eight hundred and seventy-five..... 220

176. A further supplement to "An act concerning inns and taverns," approved April seventeenth, one thousand eight hundred and forty-six..... 221

177. An act relating to sinking funds in cities..... 221

178. An act authorizing the boards of chosen freeholders of any two adjoining counties to lay out, open and grade continuous public highways therein..... 223

179. An act to make certain roads, constructed by commissioners under the authority of the legislature, county roads, and to provide for the payment of the expense of constructing by the county, and for the mode of maintaining and repairing the same..... 225

180. An act in relation to sewers, portions of which lie in two adjoining cities..... 226

181. An act concerning the payment of public school janitors in cities..... 227

182. An act concerning cities in this state 228

183. An act authorizing the municipal board of any city having cognizance and control of the cleaning of streets to terminate contracts in reference thereto prior to the expiration thereof as fixed in such contract, when the contractor and his bondsmen shall consent thereto..... 229

184. A further supplement to an act entitled "An act regulating proceedings in criminal cases" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four..... 230

185. An act to prohibit the sale of adulterated and skimmed milk in cities of this state..... 230

186. An act to amend an act entitled "An act to provide for the appointment of commissioners to determine upon plans for the storage of any of the waters of this state for the purpose of furnishing to cities and towns a joint water supply," approved March thirty-first, one thousand eight hundred and eighty-two..... 231

187. An act for the appointment of a commission in relation to the question of oyster planting in the waters of the state..... 233

188. An act to authorize and enable small land owners to drain and improve their lands..... 234

Chapter. Page.

189. A further supplement to the act entitled "An act to secure to creditors an equal and just division of the estates of debtors who convey to assignees for the benefit of creditors" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four. 236

190. An act to provide for the preservation of the public records of cities of this state..... 237

191. A further supplement to "An act relative to the publication of the minutes and proceedings of the several municipal boards of the cities of this state," approved February twenty-seventh, one thousand eight hundred and seventy-nine..... 238

192. An act concerning the loan of military property..... 238

193. An act respecting assessments for local improvements in town and townships..... 239

194. A supplement to an act entitled "An act authorizing the issue of tax arrearage bonds in cities," approved April twenty-first, one thousand eight hundred and seventy-six..... 239

196. A further supplement to an act entitled "A further supplement to an act entitled 'An act concerning corporations,'" approved April seventh, one thousand eight hundred and seventy-five, which supplement was approved March ninth, one thousand eight hundred and seventy-seven..... 240

197. An act concerning horse railroads..... 241

198. An act relating to the consolidation of corporations authorized to establish storehouses, piers or docks, or to maintain yards and buildings for the keeping and accommodation of live stock..... 242

200. An act concerning cities..... 245

201. A further supplement to an act entitled "An act to provide for the organization of the New Jersey home for disabled soldiers," approved April fourth, one thousand eight hundred and sixty-six, providing an additional appropriation for the support of said home, and additional ground for the burial of the dead..... 246

202. A supplement to an act entitled "An act to appoint harbor masters and inspectors," approved March thirty-first, eighteen hundred and sixty-nine..... 247

203. An act to cure defective executions of conveyances by attorneys or agents..... 248

205. An act to create a council of state charities and correction..... 249

Chapter. Page.

206. A further supplement to an act entitled "An act relative to the publication of the laws of this state in the newspapers thereof," approved April twenty-first, one thousand eight hundred and seventy-six..... 252

207. An act relative to public printing..... 253

208. An act to enable cities of the first class to build main sewers in certain districts, and to acquire private lands for that purpose..... 259

JOINT RESOLUTIONS.

No. Page.

1. Joint resolutions to congress asking relief and protection to citizens along the sea coast of New Jersey, from steam yacht menhaden fishing with purse seines... 265

2. Joint resolution to loan certain military property to The Orange Rifles 266

3. Joint resolution in relation to medals for the New Jersey Battalion..... 267

4. A joint resolution providing for an exchange of state bonds in certain cases. 267

5. Joint resolution to congress, asking the appropriation of funds to establish telegraphic or telephonic communication between the superintendent of the life saving service in this state and the several stations on the coast of New Jersey..... 268

6. Joint resolution to congress asking for the abolishment of all compulsory pilotage upon vessels engaged in the coasting trade..... 269

PROCLAMATIONS.

No. Page.

1. Regarding the danger of tumult and disturbance in Hudson county..... 273

2. Appointing a day of thanksgiving and prayer..... 274

INDEX PUBLIC LAWS.

INDEX TO GENERAL PUBLIC LAWS.

A

Page.

Abatement of suits—death of receiver does not prevent the. 18
Absconding debtors—relief of creditors against..... 42
Absence of seven years—persons presumed to be dead after.. 55
Absent debtors—relief of creditors against..... 42
Abstract of ratables—lawful for comptroller to file an amended, from Bergen county, for the year one thousand eight hundred and eighty-two..... 108
to be filed with county collector and state comptroller..... 193
Acknowledgments taken before a commissioner of deeds whose term of office had expired at the time of taking such acknowledgments, &c., declared valid..... 126
ten years from date held valid..... 209
Actions, limitation of—*see* limitation of actions.
Advertisements—failure of publication of, does not invalidate sale of lands 11, 53
for proposals for city improvements, to have time for completion included therein..... 27
what newspapers to publish, in case any have ceased publication..... 23
Adulterated articles—unlawful to sell, for food and drugs..... 186
milk—to prohibit the sale of..... 230
Adulteration of food and drugs—to prevent 185
Agricultural college, state—may construct receptacles for green fodders and manures..... 106
Amending "A further supplement to an act entitled 'An act declaring when the death of persons absenting themselves shall be presumed'"..... 35
"An act for the organization of the national guard of the state of New Jersey"..... 212
"An act in relation to past due taxes and assessments"..... 81
"An act respecting county jails"..... 107
"An act to authorize the incorporation of rural cemetery associations and regulate cemeteries".. 123

Page.

Amending "An act to establish a system of public instruction"..... 185
"An act to incorporate the chosen freeholders in the respective counties of this state"..... 44
"An act to provide for the appointment of commissioners to determine upon plans for the storage of any waters of this state for the purpose of furnishing to cities and towns a joint water supply"..... 231
"An act to provide for the record and report of jail statistics"..... 217
Analyst to inspect food and drugs—powers of..... 188
Animals, cruelty to—appeals..... 163
form of summons..... 161
judgment and execution..... 163
prevention of..... 159
proceedings in justices' and district courts..... 161
proceedings when person is arrested..... 164
seizure of property..... 160
dead, how disposed of in certain cases..... 118
dying of contagious diseases shall be buried not less than two feet under ground..... 202
expense of killing, how provided for..... 118
may be impounded for breaking through fence, &c.. 82
post mortem of, may be made between certain times 119
unlawful for owner to add to the number of, in quarantine, without written consent of state board of health..... 118
Appeal, commissioners of—*see* commissioners of appeal.
Applegate, John S.—senator from Monmouth county..... 5
Joseph H.—member of assembly from Mercer county..... 7
Application for license—what to contain..... 194
Appropriation for bureau of statistics..... 40
commissioners to Southern Exposition..... 131
erection of gas works in state prison..... 206
improvement and increase of state library.. 114
improvements at insane asylum at Morris Plains..... 216
national guard forfeited in case of failure to parade, &c..... 104
New Jersey home for disabled soldiers..... 246
payment of salaries of public school janitors in cities..... 226
police purposes..... 16
purposes of public health..... 32
relief and education of indigent children in cities..... 209
relief of the poor in cities of the first class.. 41
state industrial school for girls..... 153

Page.
Appropriation for state reform school for boys..... 130
to company B, sixth regiment 17
pay census takers—cities authorized to make additional... 245
state agricultural college for the purpose of constructing receptacles for green fodders and manures.. 106
state institution for the deaf and dumb..... 64
withheld from school districts in certain cases..... 185
Aqueduct company authorized to extend mains beyond limits of city, borough or town..... 201
see water companies.
Arbuckle, James N.—member of assembly from Essex county. 6
Armitage, John L.—member of assembly from Essex county. 6
Armories—cities of the first class authorized to erect, for the use of the state militia 195
Arrearage bonds, tax—relating to the issue of..... 239
Arrears of taxes and assessments—relating to interest on..... 91
Art—providing for the incorporation of association for the promotion of.. 207
Assembly, house of—list of members of..... 6, 7
to defray the expenses of a special committee of the, to investigate the taxation of railroads and other corporations..... 154
Assessment—proceedings in cases where a former is or has been vacated, not as a whole, but as to the persons prosecuting..... 196
state—refunding of a, to the Safety Fund Insurance company..... 111
Assessments for local improvements in towns and townships to be in proportion to benefits received..... 239
in encumbered cities may be paid by bonds..... 34
past due—board of finance, &c., may revise, alter, adjust and settle, subject to the approval of the mayor..... 81
ratifying the settlement of..... 37
relative to interest on arrears of. 91
Assessors—duties of..... 193
Assignees—extending time in which to report..... 236
Associations—Baptist churches authorized to change corporate name 49
cemetery—*see* cemeteries.
charitable and benevolent—to incorporate..... 57
foreign benevolent—to hold real estate..... 220
for the promotion of art—to incorporate..... 207
partnership—in which the capital subscribed shall only be responsible for the debts of the association, empowered to hold real estate... 188
see churches; societies.

Page.
Asylum for insane at Morris Plains—appropriation for 216
Asylums, orphan—children committed to, in certain cases... 15
Atlantic county—assemblyman from..... 6
senator from..... 5
Attachment—publication not necessary after appearance entered 42
Attorney, city—common council of certain cities authorized to elect 203
Auditing accounts—fees of surrogates for..... 131

B

Ballot boxes—counties and cities of the first class to use certain..... 158
Bamford, John—member of assembly from Camden county.. 6
Banks, savings—concerning..... 132
duties of managers of..... 132
when office of manager shall become vacant 50
Baptist churches—authorized to change corporate name...49, 205
Bastard children—maintenance of..... 28
Beatty, George H.—senator from Warren county..... 5
Beer saloons to pay license fees in incorporated towns..... 100
Benevolent associations—no limit to membership..... 57
to incorporate..... 57
foreign—to hold real estate..... 220
Benzine—restrictions concerning the sale of..... 112
Benzole—restrictions concerning the sale of 112
Bergen county—assemblymen from..... 6
comptroller to file an amended abstract of ratables from, for the year one thousand eight hundred and eighty-two..... 108
senator from..... 5
Bills of costs to be taxed by clerk of court in which judgment is had..... 124
Board of education—relief of officers and employes of, whose salaries have not been paid..... 89
term of office of members of, in cities of the third class..... 37
Board of finance—may revise, alter, adjust and settle past due taxes and assessments, subject to approval of the mayor..... 81
Board of health, state—character of petroleum and kerosene determined by, as required by law.. 113
county clerk to furnish, with list of physicians..... 126
duties and powers of, in relation to the adulteration of food and drugs.. 186
physician appointed by, where township has no township physician..... 120
to appoint analyst to inspect food and drugs..... 186

Page.
Board of health, state—unlawful for owner of animals in quarantine to add to the number thereof, without written consent of the... 118
Boards of health—authorized to specify contagious diseases, &c..... 121
formed under certain acts to be the only authorities in matters relating to public health 119
may determine when necessary for physician to notify board of the existence of contagious diseases..... 121
powers and duties of, in relation to the abatement of nuisances..... 119
power to abate nuisances not to depend upon the exercise of privilege to pass ordinances, &c... 120
vested with powers conferred by certain acts..... 120
Bond—breach of, taken to perform any order of filiation, how prosecuted..... 28
office of sheriff not forfeited by failure to renew..... 21
Bonds—authorizing the issue of additional, for the extension and maintenance of water works in cities of the second class..... 98
certain townships to issue..... 129
cities authorized to create sinking fund to pay off.... 13
authorized to issue, for the purchase, &c., of lands for a public park..... 102
authorized to issue, to renew indebtedness 12
may issue, to pay indebtedness.... 59
common council may cancel certain.. 192
exchange of state, in certain cases.. 267
issued to pay for the destruction of bridges, how sold. 19
issued to renew indebtedness 13
may be issued to provide for deficiencies created by loss of public funds borrowed or raised for the payment of costs and expenses incurred in constructing sewers and making other improvements in townships and villages..... 116
sewers to be paid for by the issuing of..... 26
tax arrearage—relating to the issue of.. 239
war—principal and interest of, how paid.. 79
Books, school—to regulate and prevent extravagance in the use of, repealed..... 45
Borough commissioners—concerning..... 167
Boroughs—classification of, distinguished by population..... 157
for the purposes of legislation.... 157
what is a sufficient..... 157
relating to the government of..... 96

Page.
Boroughs of the first class—what constitutes... 157
second class—what constitutes..... 157
third class—what constitutes..... 157
Borton, George W.—member of assembly from Camden county. 6
Breach of bond taken to perform any order of filiation, how prosecuted..... 28
Brevet rank of one grade higher to be conferred on officers serving continuously for ten years..... 103
Bribery at primaries, conventions and elections—to prevent and punish. 171
Bridges—proceedings in case of destruction of..... 19
Bryant, John L.—member of assembly from Atlantic county. 6
Budd, Theodore—member of assembly from Burlington county..... 6
Buildings, alterations in—mechanics' liens extended to..... 24
Bureau of statistics—appropriation for..... 40
copy of record of jail statistics to be transmitted to chief of.. 217
Burlington county, assemblymen from.. 6
senator from..... 5
Byrnes, Edward J.—member of assembly from Union county.. 7

C

Camden county—assemblymen from..... 6
senator from..... 5
Campbell, John B.—member of assembly from Cumberland county. 6
Canal boats—penalty for breaking and entering..... 199
Cape May county—assemblyman from..... 6
senator from..... 5
Capital stock—horse railroads may increase. 241
incorporated companies may increase..... 241
Carpenter, John, Jr.—senator from Hunterdon county..... 5
Cator, Thomas V.—member of assembly from Hudson county.... 6
Cemetery associations may hold land not exceeding seventy-five acres..... 123
Cemeteries—concerning 174
lands held by shall adjoin each other..... 174
not more than three shall be located in any one city, township or town..... 175
Census takers—additional appropriation to pay..... 245
Certificate of corporation—how filed. 62
Change time of beginning and ending of fiscal year—lawful for cities of the second class to..... 100
Chapman, Edwin O.—member of assembly from Hudson county..... 6

Page.
Charitable associations—to incorporate 57
no limit to membership of 57
Charities and corrections—to create a state council of 249
Charters of railroad companies—extension of 14
volunteer fire departments expiring by limitation extended for ten years 198
Chattle, Thomas G.—member of assembly from Monmouth county 7
Children, bastard—maintenance of 28
between certain age to attend school one year preceding employment in any factory, &c 60
cruelty to—*see* cruelty to children.
indigent—appropriation for the relief and education of 209
sale of cigarettes or tobacco prohibited to, under sixteen years of age 112
to limit the age and employment hours of 59
under certain age not to be employed in factories. 59
under fourteen years of age not to be employed longer than ten hours a day 60
Chosen freeholders—city, township or borough of less than one thousand inhabitants to have but one freeholder 83
clerk of board to call special meetings on order of director or three members 44
of any two adjoining counties authorized to lay out, open and grade continuous public highways therein 223
powers and duties of, in regard to the laying out, opening and improving of a public road in each of the counties of the first class 65
to appoint assistant prosecutors of the pleas in certain counties 153
to lay out, open and improve a public road in each of the counties of the first class 65
Churches, Baptist—authorized to change corporate name..49, 205
lawful for members of to form religious societies... 168
may change time and place of annual meeting 115
Methodist Episcopal—authorized to sell certain lands and real estate 108
Methodist Episcopal—trustees of authorized to convey lands and real estate to church by its corporate name 115
Protestant Episcopal—vacancies in the office of warden or vestrymen, how filled 114
Cigarettes—the sale of, prohibited to minors under sixteen years of age 112

Page.
Cities authorized to construct sewers ... 25
authorized to create sinking fund to pay off certain bonds ... 13
authorized to establish hospitals ... 47
authorized to issue and dispose of water bonds or water scrip to renew certain water bonds or water scrip ... 12
authorized to purchase, construct and maintain public parks ... 102
encumbered—relating to ... 34
to make additional appropriations for purposes of public health ... 32
of the first class—salaries of officers and employes of, how paid ... 36
to construct school houses ... 30
to erect armories for the use of the state militia ... 195
to make additional appropriations for the relief of the poor ... 41
second class—concerning the government of ... 100
may issue bonds to pay indebtedness ... 59
to issue additional bonds for the extension and maintenance of water works ... 98
to make appropriations for police purposes ... 16
third class—concerning ... 31, 37, 38
City attorney—common council of certain cities authorized to elect ... 203
Clams and oysters—preservation of ... 51
to appoint a commission in relation to the planting of ... 233
see oysters.
Clarke, James C.—member of assembly from Hudson county. 6
Classification of boroughs—*see* boroughs.
counties—*see* counties.
Clergymen—confraternities may be organized ... 168
Cochran, Lewis—senator from Sussex county ... 5
Cole, Frank O.—member of assembly from Hudson county ... 6
Collectors—prosecution of bond of, not to affect securities, unless commenced within nine years from date of bond ... 33
Combining and encouraging other persons to combine not unlawful ... 36
Commissioner of deeds—acknowledgments taken before a, whose term of office had expired at the time of taking such acknowledgments, &c., declared valid ... 126
Commissioners—duties and powers of, appointed to re-assess property in certain cases ... 197
of appeal—compensation of increased ... 29
of the sinking fund—powers and duties of the ... 79

Page.

Commissioners, street—*see* street commissioners.
to the Southern Exposition, governor to appoint 130
water—persons to apply to, for permits to connect water pipes 176
Commissions, borough—concerning 167
Common council authorized to appoint police justices 177
how members of, shall be elected 170
may cancel certain bonds 192
may modify salary of certain city officers 214
of certain cities authorized to elect city attorney 203
term of office of members of, in cities of the third class 38
Common pleas, courts of—powers and duties of law or president judges of 56
president judge may preside in another county 56
to grant licenses in boroughs of the third class 221
Companies, fire—active members of, exempt from taxation in the sum of five dollars 133
powers and privileges of 58
insurance—may invest surplus funds 83
persons not to transact business for, without authority 80
policies against loss by lightning, wind and tornadoes may be issued by 83
incorporated—may increase capital stock 241
railroad—*see* railroad companies.
Company B, sixth regiment—appropriation made to 17
Comptroller to appoint practical printer to assist in preparing specifications for public printing 211
file an amended abstract of ratables from Bergen county for the year one thousand eight hundred and eighty-two 108
Compulsory pilotage—petition for the abolishment of 269
Consolidation of corporations authorized to establish storehouses, piers or docks, or to maintain yards and buildings for the keeping and accommodation of live stock 242
Constables—acts of, who have not renewed their bonds made valid 220
prosecution of bond of, not to affect securities, unless commenced within four years 33
Contagious diseases—animals or poultry dying of, shall be buried not less than two feet under ground 202
when necessary for physicians to notify boards of health of the existence of ... 121

Page.
Contractor—city not authorized to release..... 27
Contracts for cleaning streets may be terminated before expiration thereof by municipal board. 229
for lease or conditional sale of equipment and rolling stock..... 87
to secure the performance of, for city improvements 27
Convery, William J.—member of assembly from Mercer county. 7
Conventions—to prevent and punish bribery at..... 171
Conveyances—amending section concerning..... 209
certain acknowledgments declared valid..... 126
defective execution of not to affect title..... 248
respecting the record of real estate..... 215
Coombs, Henry—member of assembly from Salem county... 7
Corporations—action against, not abated by reason of death of receiver..... 18
certificate of, how filed..... 62
foreign benevolent—to hold real estate..... 220
may increase capital stock..... 241
relating to the consolidation of, authorized to establish storehouses, piers or docks, or to maintain yards and buildings for the keeping and accommodation of live stock..... 242
Costs, bill of, to be taxed by clerk of court in which judgment is had 124
Council—*see* common council.
Counties, classification of—distinguished by population.. 20
for purposes of legislation..... 20
what is a sufficient..... 21
of the first class—boards of chosen freeholders of, authorized to lay out, open and improve a public road in each of the counties of that class. 65
what constitutes..... 20
second class—what constitutes..... 21
third class—what constitutes..... 21
County clerks to furnish state board of health with list of physicians 126
expenditures—concerning.. 18
jails—amendment to act respecting..... 107
Courts of common pleas—powers and duties of law or president judges of..... 56
president judge may preside in another county..... 56
to grant licenses in boroughs of the third class..... 221
police—constituting..... 177
Cranmer, George T.—member of assembly from Ocean county 7

Page.

Creditors—assignee who has not made final account within certain time may proceed as if time had not expired..... 236
relief of, against absconding and absent debtors... 42
Crimes—punishment of.....80, 199
see the several offenses.
Criminal procedure—manslaughter may be tried by quarter sessions with law judge.. 87
taxation of costs..... 37
removal of prisoners.. 37
when writ of error not to stay proceedings after sentence.. 230
Cronk, Horace—member of assembly from Burlington county..... 6
Cruelty to animals—appeals..... 163
form of summons..... 161
for the prevention of..... 159
judgment and execution..... 163
proceedings in justices' and district courts..... 161
proceedings when person is arrested..... 165
seizure of property 160
children—child to be committed to orphan asylum, &c., in certain cases..... 15
penalty for..... 14
punishment for. 14
societies may bring suit when complaint is entered against any person for. 15
Cumberland county—assemblymen from..... 6
senator from 5

D

Dams—waste gates to be constructed in..... 155
Day of thanksgiving—proclamation appointing..... 274
Deaf and dumb, state institution for the—appropriation made for the..... 64
Death of receiver not a bar to action..... 18
when presumed of absent persons.. 55
Debtors—relief of creditors against absconding and absent.... 42
Deeds—acknowledgments of, taken ten years from date held valid..... 209
of land void until recorded..... 215
record of, is notice of execution thereof, whether recorded within certain time or not..... 215
Defective execution of conveyance not to affect title..... 248
report—proceedings in case of, in matter of street and sewer improvements..... 203

Page.
Deficiencies created by loss of public funds borrowed or raised for the payment of costs and expenses in constructing sewers and making other improvements in townships and villages, how provided for..... 116
Delaware bay—preservation of clams and oysters in.....51, 54
river—lawful to catch fish by means of set lines and weirs in tributaries of, above tide water, in certain locality..... 99
Disabled soldiers, New Jersey home for—appropriation for... 246
Diseases, contagious—when necessary for physicians to notify boards of health of the existence of..... 121
Doughty, Eugene S.—senator from Somerset county..... 5
Drain and improve lands—to enable small land owners to.... 234
Drugs—to prevent the adulteration of..... 185

E

Education, boards of—*see* boards of education.
for the relief of officers and employes of..... 89
Election districts—what constitutes, in cities of the third class..... 31
Elections for members of common council, how held..... 170
to prevent and punish bribery at..... 171
to prevent fraudulent voting at..... 158
to regulate..... 95
Encourage other persons to combine—not unlawful for persons to combine to..... 36
Encumbered cities—act in relation to..... 34
Entailed property—taxes on, how paid..... 52
Episcopal churches, Methodist—authorized to sell certain lands and real estate..... 108
Methodist—trustees of, authorized to convey lands and real estate to church by its corporate name..... 115
Protestant—vacancies in the office of warden or vestrymen, how filled..... 114
Equipments, railroad—contracts for lease or conditional sale of..... 87
Essex county, assemblymen from..... 6
senator from..... 5
Exchange of state bonds in certain cases..... 267
Expenditures, county—relating to..... 18
for police purposes..... 16
for road purposes—township committee not to supervise, in any borough..... 39
Expenses, incidental—to defray the, of the legislature for the session of one thousand eight hundred and eighty-three..... 142

Page.
Expenses, incidental—to defray the, of the legislature for the session of one thousand eight hundred and eighty-two.....134, 142
to defray the, of a special committee of the house of assembly to investigate the taxation of railroads and other corporations..... 154
Explanatory of section twenty-four of the act entitled "An act relative to public printing"..... 90
Extravagance—act to prevent, in the use of school books, repealed..... 45

F

Fees, license—incorporated towns authorized to impose for the purpose of revenue..... 100
Fences—animals may be impounded for breaking through... 82
to regulate..... 82
what are esteemed lawful..... 82
Ferrell, Thomas M.—senator from Gloucester county..... 5
Ferries—unlawful for, to receive more than five cents for transportation of one passenger..... 20
Fines—action in remitting, to be approved by judge of court.. 107
Fire companies—active members of volunteer, exempt from taxation in the sum of five dollars..... 133
powers and privileges of..... 58
Fire departments, volunteer—charters of, expiring by limitation extended for ten years.. 198
members of, in certain counties may be appointed to perform police duty at fires..... 202
when accumulated fund shall revert to exempt association 198
Fire insurance companies—may invest surplus funds..... 84
may issue policies against loss by lightning, wind and tornadoes 83
penalty for unlawfully seeking to transact the business of..... 80
Fiscal year—lawful for cities of the second class to change beginning and ending of..... 100
Fishing—asking relief and protection from steam yacht menhaden fishing with purse seines..... 265
Fish—lawful to catch, by means of set lines and weirs, in certain locality..... 99
unlawful to catch, with net or seine, in certain localities between certain times..... 127
Flynn, Thomas—member of assembly from Passaic county... 7
Food—to prevent the adulteration of..... 185
Foreign benevolent or charitable corporation—lawful to hold real estate..... 220

Page.
Forman, Peter—member of assembly from Monmouth county 7
Fraudulent voting—to prevent, at elections 158
Freeman, Manning—member of assembly from Middlesex county 7

G

Game and game fish—repealing an act entitled "A supplement to an act to amend and consolidate the several acts relating to game and game fish" 88
penalty for killing or having in possession, between certain times 25
relating to the killing, &c., of pheasants, quail and rabbits 24
Gardner, John J.—senator from Atlantic county 5
Gasoline—restrictions concerning the sale of 112
Gaston, William F.—member of assembly from Passaic county 7
Geologist, state—*see* state geologist.
German language—newspapers printed in, authorized to publish laws 252
Gill, John—member of assembly from Essex county 6
Gloucester county—assemblyman from 7
senator from 5
Goodwin, James H.—member of assembly from Middlesex county 7
Griggs, John W.—senator from Passaic county 5
Grouse—penalty for killing, &c., between certain times 25

H

Haines Job S.—member of assembly from Gloucester county. 6
Harbor masters—duties of, in regard to the anchorage of vessels within certain points 247
Harrigan, William—member of assembly from Essex county. 6
Havens, Abraham C. B.—senator from Ocean county 5
Health, board of—*see* state board of health.
public—additional appropriations for 32
Hill, William—member of assembly from Essex county 6
Hires, George—senator from Salem county 5
Hoffman, Cornelius S.—member of assembly from Somerset county 7
Holland language—newspapers printed in, authorized to publish laws 94
Home for disabled soldiers, New Jersey—appropriation for... 246
Horse railroads may increase capital stock 241
Hospitals—cities authorized to establish 47
how maintained 49

Page.
House of assembly—defraying the expenses of a special committee of the, to investigate the taxation of railroads and other corporations 154
list of members of 6, 7
Hudson county—assemblymen from 6
senator from 5
Hunterdon county—assemblymen from 7
senator from 5
Hutchinson, Lucius B.—member of assembly from Essex county 6

I

Imprisonment, term of—action in remitting, to be approved by judge of court 107
Improvements, city—proposals for, how advertised 27
deficiencies created by loss of public funds borrowed or raised for the payment of costs and expenses incurred in making, how provided for 116
Incidental expenses—to defray the, of the legislature for the session of one thousand eight hundred and eighty-two 134, 142
to defray the, of the legislature for the session of one thousand eight hundred and eighty-three 142
Increase capital stock—horse railroads may 241
incorporated companies may 241
Indebtedness—cities authorized to issue bonds to renew 12
cities of the second class authorized to fund .. 59
Indigent children—appropriation for the relief and education of 209
Industrial school for girls, state—appropriation for 153
Inns and taverns—application for license to keep, what to contain 194
licenses of, in boroughs of the third class to be granted by court of common pleas 221
to pay license fees in incorporated towns .. 100
to regulate the licensing of 194
unlawful to put or keep sign on premises without having license 194
Inspector appointed to enforce the provisions of an act to limit the age and employment hours of children. 61
of food and drugs—powers of 188
Institution for the deaf and dumb—appropriation for 64
Instruction, public—amending an act to establish a system of 185

Page.
Insurance companies, fire—may invest surplus funds..... 83
policies against loss by lightning, wind and tornadoes, may be issued by..... 83
Insurance—penalty for the unlawful transaction of the business of..... 80
Issue may be tried in county other than that in which lands in dispute are situate..... 219

J

Jails, county—amendment to act respecting 107
Jail statistics—copy of record to be transmitted to chief of bureau of statistics of labor and industries..... 217
Janitors, public school—appropriation to pay the salaries of. 227
Jenkins, George W.—member of assembly from Morris county..... 7
Jernee, William R.—member of assembly from Middlesex county..... 7
Jersey City—supplement to act regulating pilots from the port of..... 92
Judges, law or president—relating to the powers and duties of..... 56
Justices, police—common council authorized to appoint..... 177
fees of..... 184
powers and duties of..... 178

K

Kelly, Joseph T.—member of assembly from Hudson county. 6
Kerosene—restrictions concerning the sale of..... 112
state board of health to determine the character of, as required by law..... 113

L

Labor of children—to regulate..... 59
Lake, W. Howard—member of assembly from Hunterdon county..... 7
Land, measurement of—to establish a uniform standard for the..... 35
sale of—*see* sale of land.
Lands—cities may purchase, for public park..... 102
how acquired to construct sewers thereon..... 25
issue may be tried in county other than that in which, are situate..... 219
Methodist Episcopal churches authorized to sell certain..... 108

Page.
Lands—owner may redeem, sold for unpaid taxes..... 117
proceedings to enable owners of, to drain and improve..... 234
railroad companies may acquire title to, to change location of railroad to avoid quicksands, &c..... 105
Larison Stephen C.—member of assembly from Warren county..... 7
Law or president judges—relating to the powers and duties of..... 56
Laws—newspapers printed in the German language authorized to publish..... 252
newspapers printed in the Holland language authorized to publish..... 94
Learning, societies for the promotion of—action in case by-laws are insufficient, or officers refuse or neglect to perform their duties..... 28
Legislature—list of members of..... 5, 6, 7
to defray the incidental expenses of, for the session of one thousand eight hundred and eighty-two..... 134, 142
to defray the incidental expenses of, for the session of one thousand eight hundred and eighty-three..... 142
Lewis, Nelson M.—member of assembly from Mercer county 7
Library, state—appropriation for the improvement and increase of the..... 114
License—application for, what to contain..... 194
unlawful for person not having, to put or keep sign on premises..... 194
Licenses—court of common pleas to grant, in boroughs of the third class..... 221
incorporated towns authorized to impose, for the purpose of revenue..... 100
providing for the granting of, by borough commissions..... 167
to regulate, for the sale of malt, vinous, spiritous and other intoxicating drinks..... 194
Liens, mechanics'—*see* mechanics' liens.
Life saving service—petition for appropriation to establish telegraphic or telephonic communication between certain stations of..... 268
Limitation of actions—prosecution of bond of constable not to affect securities unless commenced within four years from date of bond..... 33
prosecution of bond of sheriff or collector not to affect securities, unless commenced within nine years from date of bond..... 33

Page.
Live stock—relating to the consolidation of corporations authorized to establish storehouses, piers or docks, or to maintain yards and buildings for the keeping and accommodation of..... 242
Loan of military property—concerning the..... 238
Ludlam, Jesse D.—member of assembly from Cape May county..... 6

M

Manager of savings banks—when office of, shall become vacant..... 50
Manslaughter—indictments for, may be tried by general quarter sessions in counties having law judge..... 87
Maurice river cove—preservation of clams and oysters in...51, 54
McLaughlin, Dennis—member of assembly from Hudson county..... 6
Measurement of land—to establish a uniform standard for the 35
Mechanics' liens extended to alterations in buildings..... 24
Medals for the New Jersey Battalion at Yorktown anniversary 267
Medicine and surgery—to regulate..... 125
Menhaden fishing with purse seines—asking relief and protection from steam yacht..... 265
Mercer county—assemblymen from..... 7
senator from..... 5
Merritt, Albert—senator from Camden county..... 5
Methodist Episcopal churches authorized to sell certain lands and real estate..... 108
trustees of, authorized to convey lands and real estate to church by its corporate name..... 115
Middlesex county—assemblymen from..... 7
senator from..... 5
Military property—concerning the loan of..... 238
Milk cans—owner may make complaint against person unlawfully using..... 84
unlawful to sell without consent of owner..... 84
to prohibit the sale of adulterated and skimmed..... 230
to protect producers and shippers of..... 84
Miller, Waters B.—senator from Cape May county..... 5
Mill-dams—waste-gates to be constructed in..... 155
Mills, Clark W.—member of assembly from Passaic county... 7
Minors—*see* children.
Monmouth county—assemblymen from..... 7
senator from..... 5
Monuments—to incorporate associations for the erection of.. 207
Morris county—assemblymen from..... 7
senator from..... 5
Morris Plains—appropriation for insane asylum at..... 216

Page.
Mullica river—unlawful to catch fish in, with net or seine, in certain localities between certain times..... 127
Municipal boards—relative to the publication of the minutes and proceedings of..... 238
corporations—*see* boroughs; cities.
Murphy, John H.—member of assembly from Essex county.. 6
Museums—to incorporate associations for the erection of..... 207

N

Name—Baptist churches authorized to change corporate...49, 205
Naptha—restrictions concerning the sale of..... 112
National guard—annual inspection to be made in May 104
appropriation of company failing to parade, &c., forfeited 104
armories to be erected for the use of, in cities of the first class..... 195
brevet rank conferred on officers serving continuously for ten years..... 103
may be assembled for drill six times a year. 103
quartermaster general to furnish transportation for..... 104
Neighbour, James H.—member of assembly from Morris county..... 7
Newark—to regulate pilots from the port of..... 92
New Jersey Battalion at Yorktown anniversary—medals for.. 267
home for disabled soldiers—appropriation for.... 246
Newspapers—laws to be published in the German language.. 252
laws to be published in the Holland language.. 94
what, to do city printing in case any have ceased publication..... 23
Nichols, Isaac T.—senator from Cumberland county..... 5
Nuisances—powers and duties of local boards of health in relation to the abatement of..... 119
sewers to be constructed to abate..... 228
to prevent, in boroughs. 167

O

Ocean county—assemblyman from 7
senator from 5
O'Connor, Thomas—member of assembly from Essex county. 6
Orange Rifles—loan of military property to 266
Orphan asylums—children committed to, in certain cases..... 15
Orphans' court—surrogate's fees for auditing accounts..... 131
Oyster planting—appointment of a commission in relation to the question of..... 233

Page.
Oysters—natural oyster beds not to be used for planting 51
not to be taken unless a certain size..... 51
unlawful for non-residents to plant or grow, except in certain localities 54

P

Parks, public—to provide for the purchase, construction and maintenance of. 102
Parsons, John H.—member of assembly from Essex county.. 6
Partnership associations in which the capital subscribed shall only be responsible for the debts of the association, empowered to hold real estate..... 188
Passaic county—assemblymen from..... 7
senator from 5
Passengers—rate for transportation of, on ferries. 20
Past due assessments—ratifying the settlement of..... 37
revision, alteration, adjustment and settlement of..... 81
taxes—revision, alteration, adjustment and settlement of... 81
Paxton, Elijah T.—senator from Hudson county..... 5
Penalty for adding to number of animals in quarantine without consent of state board of health..... 118
adulterating food and drugs 186
breaking and entering railway car, canal boat, ship or vessel..... 199
bribing or offering to bribe voters. 171
burying animals or poultry dying of contagious diseases, less than two feet under ground..... 202
cruelty to children..... 14
disposing of dead animals for food..... 118
employing children under certain age 60
killing, &c., grouse, quail or rabbit between certain times..... 25
selling milk cans without consent of owner..... 84
neglecting to stamp goods manufactured in state prison..... 101
not complying with provisions of an act for the construction of waste gates in mill dams..... 155
running train without having rope or cord attached to bell, gong, &c..... 218
selling adulterated or skimmed milk... 231
selling cigarettes or tobacco to minors under sixteen years of age..... 112
selling poisons without labeling each box or package..... 47
taking oysters under a certain size..... 51
transacting the business of insurance without authority.. 80

Page.
Penalty for unlawfully planting or growing oysters..... 54
unlawfully practicing medicine and surgery. 125
unlawfully putting or keeping sign for the sale of liquors, &c., on premises..... 194
using natural oyster beds for planting oysters..... 51
willfully erasing name or marring milk cans..... 84
of township collector for refusing or neglecting to file account of receipts, &c..... 214
Pensions of widow or children of officer or soldier of national guards..... 213
Perth Amboy—regulating pilots from the port of..... 92
Petroleum—restrictions concerning the sale of.. 112
state board of health to determine the character of, as required by law..... 113
Pheasants—penalty for killing, &c., between certain times... 25
Physicians—when necessary for, to notify boards of health of the existence of contagious disease 121
Pilotage, compulsory—asking for the abolishment of..... 269
Pilots—apprentice not to be licensed unless he has served three years as boat keeper..... 92
Poisons—penalty for selling, without labeling each box or package 47
unlawful to sell, without labeling each box or package..... 47
Police—appropriations for 16
courts—constituting..... 177
duty—members of volunteer fire departments in certain counties may be appointed to perform, at fires..... 202
justices—common council authorized to appoint..... 177
fees of 184
powers and duties of..... 178
to better regulate and control the, in certain townships 189
townships authorized to employ..... 39
Poll tax not to exceed one dollar..... 65
Poor, relief of—to provide for the further, in cities of the first class..... 41
Poultry dying of contagious diseases shall be buried not less than two feet under ground..... 202
Preservation of the public records—to provide for the..... 237
Presumption of death—absence of person for seven years is. 55
Primaries—to prevent and punish bribery at.. 171
Printing, public—advertisement for proposals for current printing of legislature..... 210
advertisement for proposals to print blanks and furnish stationery.... 211
advertisement for proposals to print volume of laws, &c..... 210
comptroller to appoint practical printer to assist in preparing specifications..... 211

Page.
Printing, public—explanation of section twenty four of the act relating to 90
relating to the 210, 253
Printing—what newspapers authorized to do, in case any have ceased publication 23
Proceedings upon judgment and sentence—writ of error not to stay, when persons plead guilty to indictment ... 230
Proclamation appointing a day of thanksgiving and prayer .. 274
regarding the danger of tumult and disturbance in Hudson county 273
Proposals—advertisements for, for city improvements, to have time for completion included in 27
Prosecutors of the pleas—board of chosen freeholders to appoint assistant, in certain counties 153
salaries of assistant 153
Protestant Episcopal churches—*see* Episcopal churches.
Public instruction—amending an act to establish a system of .. 185
parks—to provide for the purchase, construction and maintenance of 102
printing—*see* printing
records—to provide for the preservation of the 237
road—concerning a, to be laid out, opened and improved in each of the counties of the first class 65
Pure water—to enable cities to supply the inhabitants thereof with 176

Q

Quail—penalty for killing, &c., between certain times 25
Quarantine—animals in, cannot be added to by owner, without written consent of state board of health 118
Quartermaster general to furnish transportation for national guard 104
to keep account of expenses incurred incident to the loan of military property 238
Quarter sessions—when law judge may try manslaughter cases 87

R

Rabbits—penalty for killing, &c., between certain times 25
Railroad companies—contracts for lease or conditional sale of, equipment and rolling stock 87
may acquire title to lands necessary to change location of railroad to avoid quicksands, &c 105
may sell section of road abandoned 106

Page.

Railroad companies—time for completion extended one year where work has been performed on said railroads, or money expended thereon.. 14
Railroads, horse—may increase capital stock.. 241
penalty for maliciously breaking and entering any railway car, with intent to rob or steal.. 199
penalty for malicious mischief to property of.. 199
to defray the expenses of a special committee of the house of assembly to investigate the taxation of.. 154
to extend the time for the completion of.. 212
unlawful to run train without having rope or cord attached to bell, gong, &c.. 218
Real estate—lawful for foreign corporations organized for charitable or benevolent purposes to hold.. 220
Re assessments—duties and powers of commissioners appointed to make, in certain cases.. 197
proceedings in cases where a former assessment is or has been vacated, not as a whole, but as to the persons prosecuting.. 196
Receivers—actions against, not abated by death.. 18
Recorder—term of office of city.. 214
Record of deeds heretofore made is notice of execution thereof, although not recorded within certain time.. 215
is notice of the execution thereof whether recorded within certain time or not.. 215
Records, public—to provide for the preservation of the.. 237
Reform school for boys, state—appropriation for.. 130
Refunding a state assessment to the Safety Fund Insurance Company.. 111
Registration of voters in cities having over six thousand inhabitants.. 95
Relief of poor—to provide for the further, in cities of the first class.. 41
Religious corporations—*see* associations; churches; societies.
Remitting fines—action in, to be approved by judge of court. 107
term of imprisonment—action in, to be approved by judge of court.. 107
Repealing an "Act to regulate and prevent extravagance in the use of school books in cities".. 45
"A supplement to an act to amend and consolidate the several acts relating to game and game fish".. 88
Restaurants to pay license fees in incorporated town.. 100
Revenue—incorporated towns to impose license fees for the purpose of.. 100
Rich, Augustus A.—member of assembly from Hudson county.. 6

Page.

Road boards—duties of, in relation to the repairing of roads and avenues..... 43
Roads—chosen freeholders authorized to lay out, open and improve, in each of the counties of the first class. 65
chosen freeholders of any two adjoining counties authorized to lay out, open and grade continuous public highways therein..... 223
concerning public, to be laid out, opened and improved in counties of the first class 65
disputes concerning, to be settled by township committee 43
making certain, county roads, and providing for expense of construction, and mode of maintaining same..... 225
public roads authorized to keep, in repair 43
section fifty-six of an act concerning, repealed..... 165
township committee not to supervise the expenditure of taxes raised for road purposes in any borough..... 39
Robbins, John V.—member of assembly from Hunterdon county..... 7
Rolling stock—contracts for lease or conditional sale of..... 87
Ross, William E.—member of assembly from Sussex county. 7
Ruffed grouse—*see* grouse.

S

Safety Fund Insurance Company—refunding a state assessment to the..... 111
Salaries—appropriation to pay, of public school janitors in cities..... 227
common council authorized to modify, of certain city officers..... 214
salaries of officers and employes of cities of the first class, how paid.. 36
relief of officers and employes of boards of education whose salaries have not been paid..... 89
Salem county—assemblyman from. 7
senator from 5
Sale of equipment and rolling stock—contract for the 87
lands—not invalidated by failure of publication of advertisements.....11, 53
Saloons, beer—to pay license fees in incorporated towns 100
Sandy Hook pilot boats—relating to..... 92
Savings banks—duties of managers of..... 132
concerning..... 132
when office of manager shall become vacant. 50
Schenck, Abraham V.—senator from Middlesex county.. 5

Page.

School books—to regulate and prevent extravagance in the use of, repealed 45
fund—management of the moneys of the 110
trustees authorized to sell real estate 110
trustees not to invest moneys of the fund on bond and mortgage, except in certain cases. 110
houses—authorizing the construction of, in cities of the first class 30
bonds authorized to be issued for the construction of 31
funds for the erection of, how raised and provided for 30
how land to be acquired for the erection of... 30
trustees authorized to sell real estate 110
not to invest moneys except in certain cases.. 110
regulating the number of 93
Scott, Stacy H.—member of assembly from Burlington county 6
Scrip—*see* bonds.
Secretary of state—fees for filing certificate of incorporation.. 62
Senate—list of members of 5
Set lines—lawful to catch fish by means of, in certain locality 99
Sewers—bonds to be issued to pay the cost of 26
cities authorized to build.. 259
cities authorized to construct... 25
cities how to acquire land for.. 25
cost of, how provided for 26
deficiencies created by loss of public funds borrowed or raised for the payment of costs and expenses incurred in constructing, how provided for 116
proceedings in case of disagreement between city and owners of land 25
proceedings in case report in matter of street or sewer improvement is defective.. 203
proceedings when, constructed in adjoining counties are insufficient to carry off sewage... 226
to be constructed to abate nuisances in cities 228
Shannon, John M.—member of assembly from Hudson county 6
Sheldon, Frank L.—member of assembly from Union county 7
Sheriffs—office of, not forfeited by failure to renew bond 21
official acts of, heretofore done, to be favorably construed 23
proceedings in case of failure to renew bond 22
prosecution of bond of, not to affect securities, unless commenced within nine years from date of bond 33
Shields, Patrick Henry—member of assembly from Passaic county.. 7
Ship or vessel—penalty for breaking or entering 199
Shooting societies—concerning 166

Page.

Sidewalks—authorities to provide for the repairing of..... 46
cost of, to be raised by tax..... 46
proceedings in case owner fails to grade 97
provisions of an act entitled "An act for the formation of borough commissions" to apply to certain 128
street commission to repair where owner fails to do so.. 46
Sinking fund—cities authorized to create a, to pay off certain bonds..... 13
common council may cancel bonds 192
excess of fund to be transferred to other fund.. 221
powers and duties of the commissioners of the 79
relating to the management of the..... 79
township committee may create, in certain cases. 129
Skimmed milk—to prohibit the sale of. 230
Smalley, Isaac M.—member of assembly from Cumberland county..... 6
Smith Hezekiah B.—senator from Burlington county..... 5
Societies for the prevention of cruelty to children—may bring suit..... 15
prevention of cruelty to children—*see* cruelty to children.
promotion of art—to incorporate..... 207
promotion of learning—action in case by-laws are insufficient, or officers refuse or neglect to perform their duties..... 28
religious—lawful for members of churches to form. 168
may change time and place of annual meeting..... 115
vacancies in office of warden or vestrymen, how filled..... 114
shooting—concerning..... 166
Somerset county—assemblyman from..... 7
senator from..... 5
Southern exposition—governor to appoint commissioners for..... 130
Stafford, Clayton—member of assembly from Camden county. 6
Stainsby, William—Senator from Essex county..... 5
Standard measurement of land—to establish a uniform..... 35
State agricultural college—to construct receptacles for green fodders and manures..... 106
assessment—refunding a, to the Safety Fund Insurance Company. 111
board of health—character of petroleum or kerosene determined by, as required by law. 113
county clerks to furnish, with list of physicians.. 126
physician appointed by, where township has no township physician..... 120

Page.
State board of health—powers and duties of, in relation to the adulteration of food and drugs.. 186
to appoint analyst to inspect food and drugs..... 186
unlawful for owner of animals in quarantine to add to the number thereof without written consent of the 118
bonds—exchange of, in certain cases.. 267
charities and corrections—to create a council.....249
geologist to procure surveyor's tape, to be a standard of measurement of land..... 35
industrial school for girls—appropriation for 153
library—appropriation for the improvement and increase of the..... 114
militia—armories to be erected for the use of the, in cities of the first class... 195
prison—gas works to be erected in..... 206
goods, &c., manufactured in, to be stamped..... 101
government and regulation of 101
insane prisoners to be removed to Morristown. 152
proceedings where person confined in, appears to be insane..... 151
reform school for boys—appropriation for..... 130
Stationery—advertisement for proposals to furnish, for the use of the state 211
Statistics, bureau of—*see* bureau of statistics.
Steam yacht menhaden fishing—asking relief and protection from..... 265
Steljes, Martin—member of assembly from Hudson county... 6
Stevens battery—act appropriating the proceeds of the sale of. 63
Stoney, Alfred B.—member of assembly from Monmouth county..... 7
Street commissioner—to repair sidewalks where owner fails to do so..... 45
Streets—contracts for cleaning, may be terminated before expiration thereof by municipal board..... 229
proceedings in case report in matter of street or sewer improvement is defective..... 203
Strikes—not unlawful for two or more persons to combine to persuade others to combine..... 36
Supplement to "A further act concerning taxes, making the same a first lien on real estate, and to authorize sales for the payment of the same" 117
"An act authorizing the formation of partnership associations in which the capital subscribed shall only be responsible for the debts of the association, except under certain circumstances"..... 188

Page.

Supplement to "An act authorizing the issue of tax arrearage bonds in cities"..... 239
"An act exempting firemen from taxation"... 133
"An act concerning corporations".....62, 220, 240
"An act concerning inns and taverns"..... 221
"An act concerning railroad corporations," approved March sixth, one thousand eight hundred and sixty-six..... 105
"An act concerning roads"..... .....43, 165
"An act concerning savings banks".....50, 132
"An act concerning sheriffs"..... 21
"An act concerning taxes"..... .....65, 192
"An act concerning townships and township officers"..... ....200, 213
"An act for the better enforcement in Maurice rive cove and Delaware bay, of the act entitled 'An act for the preservation of clams and oysters'"... 51
"An act for the construction, maintenance and operation of water-works for the purpose of supplying cities, towns and villages of the state with water".....201, 204
"An act for the formation of borough commissions".....128, 167
"An act for the formation of borough governments"..... 96
"An act for the government and regulation of the state prison"..... .....101, 151
"An act for the incorporation of fire companies"..... .....58, 201
"An act for the limitations of actions"..... 33
"An act for the maintenance of bastard children"..... 28
"An act for the organization of the national guard of New Jersey," approved March ninth, one thousand eight hundred and sixty-nine..... 103
"An act for the preservation of fish"..... 127
"An act for the prevention of cruelty to animals"..... 159
"An act for the punishment of crimes"....80, 199
"An act for the relief of creditors against absconding and absent debtors"..... 42
"An act incorporating the inhabitants of townships, designating their powers and regulating their meetings"..... 83
"An act in relation to county expenditures". 18
"An act in relation to encumbered cities".... 34
"An act regulating proceedings in criminal cases".....124, 230
"An act relating to local boards of health"... 119

Page.

Supplement to "An act relating to the division of certain cities in this state into wards"..... 170
"An act relative to the publication of the laws of this state in the newspapers thereof"..... 94, 252
"An act relative to the publication of the minutes and proceedings of the several municipal boards of the cities of this state" 238
"An act relative to sales of land under a public statute or by virtue of any judicial proceeding"..... 11, 53
"An act respecting conveyances"... ....126, 209
"An act respecting prosecutors of the pleas of the state"..... 153
"An act respecting taxes"..... 52
"An act respecting the orphans' court, and relating to the powers and duties of the ordinary and the orphans' court and surrogates"..... 131
"An act to amend an act to partially consolidate the several game laws of this state"... 24
"An act to appoint harbor masters and inspectors"..... 247
"An act to authorize certain townships of this state to issue bonds"..... 129
"An act to authorize the incorporation of rural cemetery associations and regulate cemeteries"..... 174
"An act to compel the determination of claims to real estate in certain cases, and to quiet the title to the same"..... 219
"An act to enable cities to supply the inhabitants thereof with pure and wholesome water"..... 98, 176
"An act to establish and regulate pilots from the ports of Jersey City, Newark and Perth Amboy, by way of Sandy Hook"... 92
"An act to establish a state board of health".. 118
"An act to incorporate benevolent and charitable associations"..... 57
"An act to incorporate societies for the promotion of learning"..... 28
"An act to incorporate trustees of religious societies"... 114
"An act to prevent in certain cases the abatement of suits and reversal of judgments"... 18
"An act to prevent the adulteration of food and drugs"..... 185
"An act to provide additional accommodations for the insane of this state"..... 216

Page.

Supplement to "An act to provide for the organization of the New Jersey home for disabled soldiers"..... 246
"An act to provide for the regulation and incorporation of insurance companies"..... 83
"An act to regulate elections"..... 95
"An act to regulate fences"..... 82
"An act to regulate proceedings in criminal cases"..... 87
"An act to regulate the practice of medicine and surgery"..... 125
"An act to regulate the sale of petroleum and its products"..... 112
"An act to regulate the state library"..... 114
"An act to secure to creditors an equal and just division of the estates of debtors who convey to assignees for the benefit of creditors"..... 236
"An act to secure to mechanics and others payment for their labor and materials in erecting any building," extending liens to alterations..... 24
Surrogates—fees of, for auditing accounts..... 131
Sussex county—assemblyman from..... 7
senator from..... 5

T

Tax arrearage bonds—relating to the issue of..... 239
Taxes—abstracts to be filed with county collector and state comptroller..... 193
assessors shall compute whole value of real and personal estate after deduction of debts, &c..... 192
on entailed property, how paid..... 52
past due—board of finance, &c., may revise, alter, adjust and settle, subject to the approval of the mayor..... 81
relating to interest on arrears of..... 91
Taylor, John—senator from Mercer county..... 5
Telephonic communications—petition to congress for, between certain stations of the life saving service..... 268
Term of office of certain township committee..... 200
city recorder..... 214
Title to real estate—change of venue allowed in trial of issue respecting..... 219
Tobacco—the sale of, prohibited to minors under sixteen years of age..... 112
Towns—assessments for local improvements in, to be in proportion to benefits received..... 239

Page.
Township collector shall file account of receipts, &c., with township clerk, in February of each year..... 213
committee authorized to change title from township to town, in certain cases 199
disputes concerning roads settled by... 43
not to have supervision of expenditures for road purposes in any borough..... 39
term of office of certain..... 200
to fix salary and term of office of police..... 40
vacancies, how filled..... 200
officers—act concerning..... 39
Townships—assessments for local improvements in, to be in proportion to benefits received..... 239
authorized to employ police..... 39
Transportation—quartermaster general to furnish national guard with..... 104
rate for, of passengers on ferries..... 20
Trespassers—who shall be deemed, upon oyster beds..... 51

U

Uniform standard for the measurement of land—act to establish.. 35
Union county—assemblymen from..... 7
senator from..... 5
Unpaid taxes—lands may be redeemed by owner for..... 117

V

Vacancies in office of warden or vestrymen, how filled..... 114
township committees, how filled 200
Vail, Benjamin A.—senator from Union county..... 5
Van Bussum, John—member of assembly from Bergen county..... 6
Venue—change of, allowed in trial of issue respecting title to real estate..... 219
Villages—classification of, for purposes of legislation..... 157
Virginia partridge—*see* quail.
Voting—act to prevent fraudulent, at elections..... 158
Volunteer fire companies—active members of, exempt from taxation in the sum of five dollars..... 133
departments—charters of, expiring by limitation, extended for ten years... 198
in certain counties may appoint members to perform police duty at fires..... 202
when accumulated fund shall revert to exempt association. 198

W

Page.
Wanser, Peter F.—member of assembly from Hudson county. 6
War bonds—principal and interest of, how paid..... 79
Warren county—assemblymen from..... 7
senator from..... 5
Waste gates to be constructed in mill dams..... 155
Water bonds or water scrip—*see* bonds.
commissioners authorized to issue bonds for the extension and maintenance of water works in cities of the second class... 98
persons to apply to, for permits to connect water pipes..... 176
companies authorized to extend mains beyond limits of city, borough or town..... 201
may issue bonds..... 204
mains—water company authorized to extend, beyond limits of city, borough or town..... 201
pipes—cities adopting provisions of original act to take and hold the right to lay..... 98
cities authorized to lay, through any town, township, &c..... 177
storage of—to provide for the, for the purpose of furnishing to cities and towns a joint water supply.. 231
supply of cities and towns—additional powers of commissioners in regard to the regulating of..... 231
to enable cities to supply the inhabitants thereof with pure and wholesome..... 176
works—cities authorized to issue additional bonds for the extension and maintenance of..... 98
Weaver, Amzi F.—member of assembly from Morris county.. 7
Weirs—lawful to catch fish by means of, in certain locality... 99
Wildrick, Isaac—member of assembly from Warren county.. 7
Woodruff, Asa F.—member of assembly from Union county.. 7
Wortendyke, Isaac—senator from Bergen county..... 5
Peter R.—member of assembly from Bergen county..... 6
Writ of error not to stay proceedings upon judgment and sentence when persons plead guilty to indictment.. 230

Y

Yorktown anniversary—medals for New Jersey battalion at.. 267
Youngblood, James C.—senator from Morris county..... 5
Young, David—member of assembly from Essex county..... 6

SPECIAL PUBLIC LAWS.

SPECIAL PUBLIC ACTS.

PASSED BY THE

ONE HUNDRED AND SEVENTH LEGISLATURE.

CHAPTER IX.

An Act to authorize the building of a bridge over and across Pleasure Bay branch of South Shrewsbury river, in the county of Monmouth.

Construction of bridge authorized.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the board of chosen freeholders of the county of Monmouth to build and construct, or cause to be built and constructed, or to authorize any person or association of persons to build and construct, a bridge across or over Pleasure Bay branch of the South Shrewsbury river, in said county, at the west end of the public road which leads between the hotel properties of E. H. Price and R. J. Dobbins to the river, and at the east end of public road on the Newbold farm, and to place in said bridge a swing of at least thirty feet wide, of such construction as to impede as little as possible the navigation of the river.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 6, 1883.

CHAPTER XV.

An Act to authorize the building of a bridge over or across Beaver Dam creek, in the county of Ocean.

Construction of bridge authorized.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the board of chosen freeholders of the county of Ocean to build and construct, or cause to be built and constructed, or to authorize any association of persons to build and construct, a bridge across the Beaver Dam creek in said county of Ocean, beginning at the end of the road or highway on lands of Charles W. Maxson, Charles Haight and others, on the south side of said creek, and thence to the end of the road or highway on land of Charles Allen, on the north side of said creek, and to place on said bridge a draw or swing of at least twenty feet wide, of such construction as to impede as little as possible the navigation of the creek.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 8, 1883.

CHAPTER XLVII.

An Act to set off from the township of Harrison, in the county of Gloucester, a new township, to be called South Harrison.

New township.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that portion of the township of Harrison, in the county of Gloucester, lying and being within the following boundaries, to wit: begin-

ning at a station in the middle of the public road, leading from Mullica Hill to Swedesboro, via Thomas Mounce's residence, where the Woolwich township line intersects said road; thence running a direct line to the center of the bridge over the south branch of Raccoon creek, in the commissioners' road; then, in a direct line to the bridge over the north branch of said creek, in the road leading from Harrisonville to Five Points; thence up the said north branch, its several courses, to where it intersects the Glassboro township line; thence along said line to the Clayton township line; thence along the Clayton township line to the boundary line between Salem and Gloucester counties; thence along said boundary line until it intersects the Woolwich township line; thence along the Woolwich township line to the place of beginning, shall be, and hereby is, set off from the township of Harrison, in the county of Gloucester, and made a separate township, to be known by the name of the township of South Harrison. Boundaries.

Corporate name.

2. *And be it enacted*, That the inhabitants of the township of South Harrison shall be, and are hereby, constituted a body politic and corporate in law, by the name of "The Inhabitants of the township of South Harrison, in the county of Gloucester," and shall be entitled to all the rights, powers, authority, privileges and advantages, and shall be subject to all regulations, government and liabilities that other townships are now entitled to or subject by the existing laws of this state. Constituted a body corporate.

3. *And be it enacted*, That the inhabitants of the township of South Harrison aforesaid shall hold their first annual town meeting in the hall at Harrisonville, in said township, at the time now fixed by law for holding town meetings in the several townships in this state. First town meeting, when and where to be held.

4. *And be it enacted*, That the township committees of each of the townships of Harrison and South Harrison shall meet at such place in the village of Mullica Hill, in the township of Harrison, as a majority of said committees shall designate, on the first Monday in April next, at ten o'clock A. M., and shall then and there, or as soon thereafter as may be, proceed to allot and divide between the said townships the assets, liabilities and real estate of the old township of Harrison, in proportion to the taxable property and ratables, as taxed by the assessor at the last assessment; and to Township committee to meet and allot and divide assets, liabilities, &c.

ascertain the just proportion of debts to be paid by the inhabitants of each of said townships; and that if any of the committee on the part of either of said townships shall neglect or refuse to meet as aforesaid, those assembled may proceed to make said division and to ascertain the said proportion of debt, and the decision of the majority of those present shall be final and conclusive; *provided*, that it shall and may be lawful to adjourn the said meeting to such time and place as a majority of those assembled as aforesaid may think proper.

Proviso.

Act not to interfere with commissions of justices of peace and commissioners of deeds, or impair the right to surplus revenue.

5. *And be it enacted*, That nothing in this act contained shall be constructed so as to interfere with or impair the commission of the justices of the peace or commissioners of deeds, until they shall expire by their own limitations; or so as to impair the rights of the said township of South Harrison in and to its just and legal proportion of the surplus revenue of the general government, and the interest thereof.

To be part of assembly district.

6. *And be it enacted*, That the said township of South Harrison shall form a part of the assembly district of the county of Gloucester.

7. *And be it enacted*, That this act shall take effect immediately.

Approved March 2, 1883.

CHAPTER LXXVI.

An Act to authorize the building of a bridge from Metedeconk Neck to Mantoloking, in the township of Brick, in the county of Ocean.

Construction of bridge authorized.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the board of chosen freeholders of the county of Ocean to build and construct, or cause to be built and constructed, or to authorize any association of persons to build and construct, a bridge from Metedeconk Neck to Mantoloking, in said county of Ocean, beginning at a point on Metedeconk

Neck, and thence across the head of Barnegat bay to a point at or near Mantoloking station, and to place on said bridge a draw or swing of at least forty feet wide, of such construction as to impede as little as possible the navigation of the bay.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 8, 1883.

CHAPTER CXCIX.

An Act to repeal the act entitled "An act to facilitate the collection of taxes in the township of Ocean, in the county of Monmouth," approved March twenty-first, one thousand eight hundred and seventy-four.

Repealer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An act to facilitate the collection of taxes in the township of Ocean, in the county of Monmouth," approved March twenty-first, one thousand eight hundred and seventy-four, be and the same is hereby repealed.

Not to work injury to persons who have acquired property under the law repealed.

2. *And be it enacted*, That the provisions of this act shall not work to the injury of any persons who may have acquired property under the provisions of the law hereby repealed.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 23, 1883.

New Jersey State Library

CONTENTS SPECIAL LAWS.

CONTENTS OF SPECIAL LAWS.

Chapter.		Page.
9.	An act to authorize the building of a bridge over and across Pleasure Bay branch of South Shrewsbury river, in the county of Monmouth	329
15.	An act to authorize the building of a bridge over or across Beaver Dam creek, in the county of Ocean	330
47.	An act to set off from the township of Harrison, in the county of Gloucester, a new township, to be called South Harrison	330
76.	An act to authorize the building of a bridge from Metedeconk Neck to Mantoloking, in the township of Brick, in the county of Ocean	332
199.	An act to repeal the act entitled "An act to facilitate the collection of taxes in the township of Ocean, in the county of Monmouth," approved March twenty-first, one thousand eight hundred and seventy-four	333

INDEX SPECIAL LAWS.

INDEX TO SPECIAL LAWS.

B

Page.

Beaver Dam creek—authorizing the construction of a bridge over..... 330
Bridge—authorizing the construction of a, from Metedeconk Neck to Mantoloking, in the township of Brick, in the county of Ocean..... 332
authorizing the construction of a, over Beaver Dam creek, in the county of Ocean..... 330
authorizing the construction of a, over Pleasure Bay branch of South Shrewsbury river, in the county of Monmouth..... 329

M

Mantoloking—authorizing the construction of a bridge from Metedeconk Neck to..... 332
Metedeconk Neck—authorizing the construction of a bridge from, to Mantoloking..... 332

P

Pleasure Bay branch—authorizing the construction of a bridge over..... 329

R

Repealing an "Act to facilitate the collection of taxes in the township of Ocean, in the county of Monmouth".. 333

S

South Harrison—creating a new township in the county of Gloucester, to be called..... 330

T

Taxes—repealing an act to facilitate the collection of, in the township of Ocean, in the county of Monmouth... 333

PRIVATE LAWS.

PRIVATE ACTS.

PASSED BY THE

ONE HUNDRED AND SEVENTH LEGISLATURE

CHAPTER CXL.

A Supplement to an act entitled "An act to authorize the sale of land of the first congregation of the Presbyterian church at Springfield, in the county of Union," approved March nineteenth, eighteen hundred and sixty-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section two of an act entitled "An act to authorize the sale of lands of the 'first congregation of the Presbyterian church at Springfield, in the county of Union,'" approved March nineteenth, eighteen hundred and sixty-eight, be and the same is hereby amended so as to read as follows: Section amended.

2. *And be it enacted*, That the ministers, elders and trustees of said congregation, or a majority of them, shall appoint a custodian of the proceeds of moneys arising from such sale or sales, whose duty it shall be to receive, and pending their investment to deposit the same in the United States Trust Company of New York or the Union Trust Company of New York, and upon obtaining the approval of the board of trustees of said church as hereinafter provided, to invest the same in any of the following securities, to wit: in bonds of individuals secured by mortgage on unincumbered real estate in this state worth double the amount loaned, in the regis- Custodian of proceeds of sales, where deposited, and how to be invested.

tered bonds of the United States or of this state, or in the first mortgage bonds of the Morris and Essex Railroad Company, or of the New Jersey Railroad and Transportation Company, or of the Central Railroad Company of New Jersey, or in the bonds of the county of Union in this state, or in the bonds of the county of Essex of this state; said custodian shall, before receiving said proceeds, enter into bond to said trustees in their corporate name, with security to be approved by them, in double the amount of said proceeds, conditioned for the faithful performance of the duties of his appointment, which duties shall be to receive said proceeds, to deposit the same pending investment in one or more of the above named depositories, to invest the same as soon as possible, and keep the same well invested at the highest rate of lawful interest obtainable therefor in such of the above named securities as shall be approved of by the said board of trustees or a majority of the same, which approval shall be in all cases obtained by said custodian before making any such investment, and to pay over the interest arising therefrom as the same shall accrue every six months to the said trustees, to be appropriated by them in the first place to the payment of the salary of the minister for the time being of said congregation, and then to the necessary expenses of the church belonging thereto.

Approved March 23, 1883.

CHAPTER CXCV.

An Act vesting the title to certain moneys in Peter J. Wortendyke and Susan Perry.

Preamble.

WHEREAS, James P. Wortendyke, late of the township of Washington, in the county of Bergen, deceased, departed this life, having first in due form of law made and published his last will and testament in writing, and by which he did, among other things therein contained, give unto one Owen Keenan a certain legacy of two hundred dol-

lars, in the words following, to wit: "After my wife's interest ceases in my estate as aforesaid, I give, order and direct that all securities for money I hold against my son Peter shall be delivered up to him, he paying the interest therefor to my said wife during the time of her interest in my said estate as hereinbefore given to her, with the proviso or condition that he pays to Owen Keenan the sum of two hundred dollars at the time of such delivery to him as aforesaid;" which said will was duly proved before the surrogate of the county of Bergen, and admitted to probate on the second day of June, one thousand eight hundred and seventy-three, by the surrogate of the said county of Bergen, and recorded in said surrogate's office, in book "L" of wills, on page eighteen, *et cetera; and whereas*, the interest of the said widow of the said James P. Wortendyke in his estate, by the provision of said last will and testament, was to continue only during her life, and she having departed this life in the fall of the year one thousand eight hundred and eighty-two; *and whereas*, the said Owen Keenan, the legatee named in said will, departed this life on the fifteenth day of December, in the year one thousand eight hundred and seventy-three, intestate, unmarried and without any lawful heirs who can claim his said legacy, by reason whereof the same would eventually go to the overseer of the poor of said township of Washington; *and whereas*, the estate left by the said James P. Wortendyke, is of small value, and his said son Peter J. Wortendyke, who is by said will required to pay said legacy to the said Owen Keenan, is a man of very moderate means; therefore,

Title vested in certain persons.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all the estate, right, title and interest of the said Owen Keenan, deceased, and of the said overseer of the poor of the said township of Washington, in the said legacy be, and the same is hereby, vested in the said Peter J. Wortendyke and Susan Perry, the only heirs at law of the said James P. Wortendyke, deceased, their heirs, executors, administrators and assigns, equally, to their only proper use, benefit and behoof forever.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 23, 1883.

CHAPTER CCIV.

An Act to release the title and interest of the people of the state of New Jersey, in and to the undivided one-eighth interest in certain real estate in Jersey City, of which Emilie Hunt died seized.

Title to certain real estate released and vested in certain persons.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That all the estate, right, title and interest of the people of the state of New Jersey in and to the undivided one-eighth interest in the tract or parcel of land whereof the said Emilie Hunt died seized, with the appurtenances thereunto belonging, or in any wise appertaining, is hereby released unto and vested in Emma Van Houten, John B. Franks, Fanny A. Chapman, Georgiana Franks, Louisa Franks, Josepha B. Franks and Maria B. Franks, their heirs and assigns forever.

2. *And be it enacted,* That this act shall take effect immediately.

Approved March 23, 1883.

CONTENTS PRIVATE LAWS.

CONTENTS OF PRIVATE LAWS.

Chapter. Page.

140. A supplement to an act entitled "An act to authorize the sale of land of the first congregation of the Presbyterian church at Springfield, in the county of Union," approved March nineteenth, eighteen hundred and sixty-eight 345

195. An act vesting the title of certain moneys in Peter J. Wortendyke and Susan Perry 346

204. An act to release the title and interest of the people of the state of New Jersey, in and to the undivided one-eighth interest in certain real estate in Jersey City, of which Emilie Hunt died seized 348

INDEX PRIVATE LAWS.

INDEX TO PRIVATE LAWS.

C

Page.

Chapman, Fanny A.—title to certain real estate vested in..... 348

F

Franks, Georgiana—title to certain real estate vested in..... 348
John B.—title to certain real estate vested in..... 348
Josepha B.—title to certain real estate vested in..... 348
Louisa—title to certain real estate vested in..... 348
Maria B.—title to certain real estate vested in..... 348

P

Perry, Susan—vesting the title to certain moneys in..... 346
Presbyterian church at Springfield—authorizing the sale of certain lands belonging to the..... 345

S

Sale of Lands—authorizing the, belonging to the first congregation of the Presbyterian church, at Springfield.. 345
Supplement to "An act to authorize the sale of land of the first congregation of the Presbyterian church, at Springfield, in the county of Union"..... 345

T

Title to certain real estate released and vested in certain persons..... 348
moneys vested in Peter J. Wortendyke and Susan Perry..... 346

V

Van Houten, Emma—title to certain real estate vested in.... 348

W

Wortendyke, Peter J.—vesting the title to certain moneys in.. 346

GENERAL INDEX.

GENERAL INDEX.

A

Page.

Abatement of suits—death of receiver does not prevent the. 18
Absconding debtors—relief of creditors against..... 42
Absence of seven years—persons presumed to be dead after.. 55
Absent debtors—relief of creditors against..... 42
Abstract of ratables—lawful for comptroller to file an amended, from Bergen county, for the year one thousand eight hundred and eighty-two..... 108
to be filed with county collector and state comptroller..... 193
Acknowledgments taken before a commissioner of deeds whose term of office had expired at the time of taking such acknowledgments, &c., declared valid..... 126
ten years from date held valid..... 209
Actions, limitation of—*see* limitation of actions.
Advertisements—failure of publication of, does not invalidate sale of lands 11, 53
for proposals for city improvements, to have time for completion included therein..... 27
what newspapers to publish, in case any have ceased publication..... 23
Adulterated articles—unlawful to sell, for food and drugs..... 186
milk—to prohibit the sale of..... 230
Adulteration of food and drugs—to prevent 185
Agricultural college, state—may construct receptacles for green fodders and manures..... 106
Amending "A further supplement to an act entitled 'An act declaring when the death of persons absenting themselves shall be presumed'"..... 35
"An act for the organization of the national guard of the state of New Jersey"..... 212
"An act in relation to past due taxes and assessments"..... 81
"An act respecting county jails"..... 107
"An act to authorize the incorporation of rural cemetery associations and regulate cemeteries".. 123

Page.

Amending "An act to establish a system of public instruction"..... 185
"An act to incorporate the chosen freeholders in the respective counties of this state"..... 44
"An act to provide for the appointment of commissioners to determine upon plans for the storage of any waters of this state for the purpose of furnishing to cities and towns a joint water supply"..... 231
"An act to provide for the record and report of jail statistics"..... 217
Analyst to inspect food and drugs—powers of..... 188
Animals, cruelty to—appeals..... 163
form of summons..... 161
judgment and execution..... 163
prevention of..... 159
proceedings in justices' and district courts..... 161
proceedings when person is arrested..... 164
seizure of property..... 160
dead, how disposed of in certain cases..... 118
dying of contagious diseases shall be buried not less than two feet under ground..... 202
expense of killing, how provided for..... 118
may be impounded for breaking through fence, &c.. 82
post mortem of, may be made between certain times 119
unlawful for owner to add to the number of, in quarantine, without written consent of state board of health..... 118
Appeal, commissioners of—*see* commissioners of appeal.
Applegate, John S.—senator from Monmouth county..... 5
Joseph H.—member of assembly from Mercer county..... 7
Application for license—what to contain..... 194
Appropriation for bureau of statistics..... 40
commissioners to Southern Exposition..... 131
erection of gas works in state prison..... 206
improvement and increase of state library.. 114
improvements at insane asylum at Morris Plains..... 216
national guard forfeited in case of failure to parade, &c..... 104
New Jersey home for disabled soldiers..... 246
payment of salaries of public school janitors in cities..... 226
police purposes..... 16
purposes of public health..... 32
relief and education of indigent children in cities..... 209
relief of the poor in cities of the first class.. 41
state industrial school for girls..... 153

Page.
Appropriation for state reform school for boys..... 130
to company B, sixth regiment 17
pay census takers—cities authorized to make additional..... 245
state agricultural college for the purpose of constructing receptacles for green fodders and manures.. 106
state institution for the deaf and dumb..... 64
withheld from school districts in certain cases..... 185
Aqueduct company authorized to extend mains beyond limits of city, borough or town..... 201
see water companies.
Arbuckle, James N.—member of assembly from Essex county. 6
Armitage, John L.—member of assembly from Essex county. 6
Armories—cities of the first class authorized to erect, for the use of the state militia 195
Arrearage bonds, tax—relating to the issue of 239
Arrears of taxes and assessments—relating to interest on..... 91
Art—providing for the incorporation of association for the promotion of.. 207
Assembly, house of—list of members of..... ..... 6, 7
to defray the expenses of a special committee of the, to investigate the taxation of railroads and other corporations 154
Assessment—proceedings in cases where a former is or has been vacated, not as a whole, but as to the persons prosecuting..... 196
state—refunding of a, to the Safety Fund Insurance company..... 111
Assessments for local improvements in towns and townships to be in proportion to benefits received..... 239
in encumbered cities may be paid by bonds..... 34
past due—board of finance, &c., may revise, alter, adjust and settle, subject to the approval of the mayor..... 81
ratifying the settlement of..... 37
relative to interest on arrears of. 91
Assessors—duties of..... 193
Assignees—extending time in which to report 236
Associations—Baptist churches authorized to change corporate name 49
cemetery—*see* cemeteries.
charitable and benevolent—to incorporate..... 57
foreign benevolent—to hold real estate..... 220
for the promotion of art—to incorporate..... 207
partnership—in which the capital subscribed shall only be responsible for the debts of the association, empowered to hold real estate... 188
see churches; societies.

Page.
Asylum for insane at Morris Plains—appropriation for 216
Asylums, orphan—children committed to, in certain cases... 15
Atlantic county—assemblyman from..... 6
senator from..... 5
Attachment—publication not necessary after appearance entered 42
Attorney, city—common council of certain cities authorized to elect 203
Auditing accounts—fees of surrogates for 131

B

Ballot boxes—counties and cities of the first class to use certain..... 158
Bamford, John—member of assembly from Camden county.. 6
Banks, savings—concerning..... 132
duties of managers of..... 132
when office of manager shall become vacant 50
Baptist churches—authorized to change corporate name...49, 205
Bastard children—maintenance of..... 28
Beatty, George H.—senator from Warren county..... 5
Beaver Dam creek—authorizing the construction of a bridge over..... 330
Beer saloons to pay license fees in incorporated towns..... 100
Benevolent associations—no limit to membership..... 57
to incorporate..... 57
foreign—to hold real estate..... 220
Benzine—restrictions concerning the sale of..... 112
Benzole—restrictions concerning the sale of 112
Bergen county—assemblymen from..... 6
comptroller to file an amended abstract of ratables from, for the year one thousand eight hundred and eighty-two 108
senator from..... 5
Bills of costs to be taxed by clerk of court in which judgment is had..... 124
Board of education—relief of officers and employes of, whose salaries have not been paid..... 89
term of office of members of, in cities of the third class..... 37
Board of finance—may revise, alter, adjust and settle past due taxes and assessments, subject to approval of the mayor..... 81
Board of health, state—character of petroleum and kerosene determined by, as required by law.. 113
county clerk to furnish, with list of physicians..... 126
duties and powers of, in relation to the adulteration of food and drugs.. 186
physician appointed by, where township has no township physician..... 120

Page.
Board of health, state—to appoint analyst to inspect food and drugs 186
unlawful for owner of animals in quarantine to add to the number thereof, without written consent of the... 118
Boards of health—authorized to specify contagious diseases, &c..... 121
formed under certain acts to be the only authorities in matters relating to public health 119
may determine when necessary for physician to notify board of the existence of contagious diseases..... 121
powers and duties of, in relation to the abatement of nuisances..... 119
power to abate nuisances not to depend upon the exercise of privilege to pass ordinances, &c... 120
vested with powers conferred by certain acts..... 120
Bond—breach of, taken to perform any order of filiation, how prosecuted..... 28
office of sheriff not forfeited by failure to renew..... 21
Bonds—authorizing the issue of additional, for the extension and maintenance of water works in cities of the second class..... 98
certain townships to issue..... 129
cities authorized to create sinking fund to pay off.... 13
authorized to issue, for the purchase, &c., of lands for a public park 102
authorized to issue, to renew indebtedness 12
may issue, to pay indebtedness..... 59
common council may cancel certain.. 192
exchange of state, in certain cases.. 267
issued to pay for the destruction of bridges, how sold. 19
issued to renew indebtedness 13
may be issued to provide for deficiencies created by loss of public funds borrowed or raised for the payment of costs and expenses incurred in constructing sewers and making other improvements in townships and villages..... 116
sewers to be paid for by the issuing of..... 26
tax arrearage—relating to the issue of.. 239
war—principal and interest of, how paid.. 79
Books, school—to regulate and prevent extravagance in the use of, repealed..... 45
Borough commissioners—concerning 167
Boroughs—classification of, distinguished by population..... 157
for the purposes of legislation.... 157
what is a sufficient.. 157
relating to the government of..... 96

Page.
Boroughs of the first class—what constitutes..... 157
second class—what constitutes..... 157
third class—what constitutes..... 157
Borton, George W.—member of assembly from Camden county..... 6
Breach of bond taken to perform any order of filiation, how prosecuted..... 28
Brevet rank of one grade higher to be conferred on officers serving continuously for ten years..... 103
Bribery at primaries, conventions and elections—to prevent and punish..... 171
Bridge—authorizing the construction of a, from Metedeconk Neck to Mantoloking, in the township of Brick, in the county of Ocean..... 332
authorizing the construction of a, over Beaver Dam creek, in the county of Ocean..... 330
authorizing the construction of a, over Pleasure Bay branch of South Shrewsbury river, in the county of Monmouth..... 329
Bridges—proceedings in case of destruction of..... 19
Bryant, John L.—member of assembly from Atlantic county. 6
Budd, Theodore—member of assembly from Burlington county..... 6
Buildings, alterations in—mechanics' liens extended to..... 24
Bureau of statistics—appropriation for..... 40
copy of record of jail statistics to be transmitted to chief of..... 217
Burlington county, assemblymen from..... 6
senator from..... 5
Byrnes, Edward J.—member of assembly from Union county.. 7

C

Camden county—assemblymen from..... 6
senator from..... 5
Campbell, John B.—member of assembly from Cumberland county..... 6
Canal boats—penalty for breaking and entering..... 199
Cape May county—assemblyman from..... 6
senator from..... 5
Capital stock—horse railroads may increase..... 241
incorporated companies may increase..... 241
Carpenter, John, Jr.—senator from Hunterdon county..... 5
Cator, Thomas V.—member of assembly from Hudson county..... 6
Cemetery associations may hold land not exceeding seventy-five acres..... 123

Page.
Cemeteries—concerning 174
lands held by shall adjoin each other..... 174
not more than three shall be located in any one city, township or town..... 175
Census takers—additional appropriation to pay. 245
Certificate of corporation—how filed. 62
Change time of beginning and ending of fiscal year—lawful for cities of the second class to..... 100
Chapman, Edwin O.—member of assembly from Hudson county..... 6
Fanny A.—title to certain real estate vested in.... 348
Charitable associations—to incorporate..... 57
no limit to membership of..... 57
Charities and corrections—to create a state council of..... 249
Charters of railroad companies—extension of 14
volunteer fire departments expiring by limitation extended for ten years..... 198
Chattle, Thomas G.—member of assembly from Monmouth county.. 7
Children, bastard—maintenance of..... 28
between certain age to attend school one year preceding employment in any factory, &c..... 60
cruelty to—*see* cruelty to children.
indigent—appropriation for the relief and education of..... 209
sale of cigarettes or tobacco prohibited to, under sixteen years of age 112
to limit the age and employment hours of..... 59
under certain age not to be employed in factories. 59
under fourteen years of age not to be employed longer than ten hours a day..... 60
Chosen freeholders—city, township or borough of less than one thousand inhabitants to have but one freeholder..... 83
clerk of board to call special meetings on order of director or three members..... 44
of any two adjoining counties authorized to lay out, open and grade continuous public highways therein..... 223
powers and duties of, in regard to the laying out, opening and improving of a public road in each of the counties of the first class..... 65
to appoint assistant prosecutors of the pleas in certain counties..... 153
to lay out, open and improve a public road in each of the counties of the first class..... 65

Page.
Churches, Baptist—authorized to change corporate name..49, 205
lawful for members of to form religious societies... 168
may change time and place of annual meeting..... 115
Methodist Episcopal—authorized to sell certain lands and real estate..... 108
Methodist Episcopal—trustees of authorized to convey lands and real estate to church by its corporate name. 115
Protestant Episcopal—vacancies in the office of warden or vestrymen, how filled. 114
Cigarettes—the sale of, prohibited to minors under sixteen years of age 112
Cities authorized to construct sewers..... 25
authorized to create sinking fund to pay off certain bonds..... 13
authorized to establish hospitals..... 47
authorized to issue and dispose of water bonds or water scrip to renew certain water bonds or water scrip ... 12
authorized to purchase, construct and maintain public parks..... 102
encumbered—relating to..... 34
to make additional appropriations for purposes of public health..... 32
of the first class—salaries of officers and employes of, how paid..... 36
to construct school houses..... 30
to erect armories for the use of the state militia..... 195
to make additional appropriations for the relief of the poor. 41
second class—concerning the government of..... 100
may issue bonds to pay indebtedness..... 59
to issue additional bonds for the extension and maintenance of water works..... 98
to make appropriations for police purposes..... 16
third class—concerning..... 31, 37, 38
City attorney—common council of certain cities authorized to elect..... 203
Clams and oysters—preservation of..... 51
to appoint a commission in relation to the planting of..... 233
see oysters.
Clarke, James C.—member of assembly from Hudson county. 6
Classification of boroughs—*see* boroughs.
counties—*see* counties.
Clergymen—confraternities may be organized 168
Cochran, Lewis—senator from Sussex county..... 5
Cole, Frank O.—member of assembly from Hudson county.. 6

Page.
Collectors—prosecution of bond of, not to affect securities, unless commenced within nine years from date of bond 33
Combining and encouraging other persons to combine not unlawful.. 36
Commissioner of deeds—acknowledgments taken before a, whose term of office had expired at the time of taking such acknowledgments, &c., declared valid.. 126
Commissioners—duties and powers of, appointed to re-assess property in certain cases 197
of appeal—compensation of increased.. 29
of the sinking fund—powers and duties of the 79
street—*see* street commissioners.
to the Southern Exposition, governor to appoint 130
water—persons to apply to, for permits to connect water pipes..... 176
Commissions, borough—concerning..... 167
Common council authorized to appoint police justices..... 177
how members of, shall be elected 170
may cancel certain bonds..... 192
may modify salary of certain city officers... 214
of certain cities authorized to elect city attorney. 203
term of office of members of, in cities of the third class..... 38
Common pleas, courts of—powers and duties of law or president judges of..... 56
president judge may preside in another county..... 56
to grant licenses in boroughs of the third class 221
Companies, fire—active members of, exempt from taxation in the sum of five dollars..... 133
powers and privileges of 58
insurance—may invest surplus funds..... 83
persons not to transact business for, without authority..... 80
policies against loss by lightning, wind and tornadoes may be issued by..... 83
incorporated—may increase capital stock..... 241
railroad—*see* railroad companies.
Company B, sixth regiment—appropriation made to..... 17
Comptroller to appoint practical printer to assist in preparing specifications for public printing..... 211
file an amended abstract of ratables from Bergen county for the year one thousand eight hundred and eighty-two..... 108
Compulsory pilotage—petition for the abolishment of..... 269

Page.

Consolidation of corporations authorized to establish storehouses, piers or docks, or to maintain yards and buildings for the keeping and accommodation of live stock 242
Constables—acts of, who have not renewed their bonds made valid 220
prosecution of bond of, not to affect securities, unless commenced within four years 33
Contagious diseases—animals or poultry dying of, shall be buried not less than two feet under ground 202
when necessary for physicians to notify boards of health of the existence of... 121
Contractor—city not authorized to release 27
Contracts for cleaning streets may be terminated before expiration thereof by municipal board. 229
for lease or conditional sale of equipment and rolling stock 87
to secure the performance of, for city improvements 27
Convery, William J.—member of assembly from Mercer county 7
Conventions—to prevent and punish bribery at 171
Conveyances—amending section concerning 209
certain acknowledgments declared valid 126
defective execution of not to affect title 248
respecting the record of real estate 215
Coombs, Henry—member of assembly from Salem county... 7
Corporations—action against, not abated by reason of death of receiver 18
certificate of, how filed 62
foreign benevolent—to hold real estate 220
may increase capital stock 241
relating to the consolidation of, authorized to establish storehouses, piers or docks, or to maintain yards and buildings for the keeping and accommodation of live stock 242
Costs, bill of, to be taxed by clerk of court in which judgment is had 124
Council—*see* common council.
Counties, classification of—distinguished by population 20
for purposes of legislation 20
what is a sufficient 21
of the first class—boards of chosen freeholders of, authorized to lay out, open and improve a public road in each of the counties of that class. 65
what constitutes 20
second class—what constitutes 21
third class—what constitutes 21

Page.
County clerks to furnish state board of health with list of physicians 126
expenditures—concerning.. 18
jails—amendment to act respecting..... 107
Courts of common pleas—powers and duties of law or president judges of..... 56
president judge may preside in another county..... 56
to grant licenses in boroughs of the third class..... 221
police—constituting..... 177
Cranmer, George T.—member of assembly from Ocean county..... 7
Creditors—assignee who has not made final account within certain time may proceed as if time had not expired..... 236
relief of, against absconding and absent debtors... 42
Crimes—punishment of.....80, 199
see the several offenses.
Criminal procedure—manslaughter may be tried by quarter sessions with law judge.. 87
taxation of costs 37
removal of prisoners.. 37
when writ of error not to stay proceedings after sentence.. 230
Cronk, Horace—member of assembly from Burlington county..... 6
Cruelty to animals—appeals..... 163
form of summons..... 161
for the prevention of 159
judgment and execution..... 163
proceedings in justices' and district courts..... 161
proceedings when person is arrested..... 165
seizure of property 160
children—child to be committed to orphan asylum, &c., in certain cases..... 15
penalty for..... 14
punishment for. 14
societies may bring suit when complaint is entered against any person for. 15
Cumberland county—assemblymen from..... 6
senator from..... 5

D

Dams—waste gates to be constructed in..... 155
Day of thanksgiving—proclamation appointing..... 274
Deaf and dumb, state institution for the—appropriation made for the..... 64

Page.
Death of receiver not a bar to action..... 18
when presumed of absent persons..... 55
Debtors—relief of creditors against absconding and absent.... 42
Deeds—acknowledgments of, taken ten years from date held valid..... 209
of land void until recorded..... 215
record of, is notice of execution thereof, whether recorded within certain time or not..... 215
Defective execution of conveyance not to affect title..... 248
report—proceedings in case of, in matter of street and sewer improvements..... 203
Deficiencies created by loss of public funds borrowed or raised for the payment of costs and expenses in constructing sewers and making other improvements in townships and villages, how provided for..... 116
Delaware bay—preservation of clams and oysters in..... 51, 54
river—lawful to catch fish by means of set lines and weirs in tributaries of, above tide water, in certain locality..... 99
Disabled soldiers, New Jersey home for—appropriation for... 246
Diseases, contagious—when necessary for physicians to notify boards of health of the existence of..... 121
Doughty, Eugene S.—senator from Somerset county..... 5
Drain and improve lands—to enable small land owners to.... 234
Drugs—to prevent the adulteration of..... 185

E

Education, boards of—*see* boards of education.
for the relief of officers and employes of..... 89
Election districts—what constitutes, in cities of the third class..... 31
Elections for members of common council, how held..... 170
to prevent and punish bribery at..... 171
to prevent fraudulent voting at..... 158
to regulate..... 95
Encourage other persons to combine—not unlawful for persons to combine to..... 36
Encumbered cities—act in relation to..... 34
Entailed property—taxes on, how paid..... 52
Episcopal churches, Methodist—authorized to sell certain lands and real estate..... 108
Methodist—trustees of, authorized to convey lands and real estate to church by its corporate name..... 115
Protestant—vacancies in the office of warden or vestrymen, how filled..... 114
Equipments, railroad—contracts for lease or conditional sale of..... 87

Page.
Essex county, assemblymen from 6
senator from 5
Exchange of state bonds in certain cases 267
Expenditures, county—relating to 18
for police purposes 16
for road purposes—township committee not to supervise, in any borough 39
Expenses, incidental—to defray the, of the legislature for the session of one thousand eight hundred and eighty-three 142
incidental—to defray the, of the legislature for the session of one thousand eight hundred and eighty-two 134, 142
to defray the, of a special committee of the house of assembly to investigate the taxation of railroads and other corporations 154
Explanatory of section twenty-four of the act entitled "An act relative to public printing" 90
Extravagance—act to prevent, in the use of school books, repealed 45

F

Fees, license—incorporated towns authorized to impose for the purpose of revenue 100
Fences—animals may be impounded for breaking through 82
to regulate 82
what are esteemed lawful 82
Ferrell, Thomas M.—senator from Gloucester county 5
Ferries—unlawful for, to receive more than five cents for transportation of one passenger 20
Fines—action in remitting, to be approved by judge of court 107
Fire companies—active members of volunteer, exempt from taxation in the sum of five dollars 133
powers and privileges of 58
Fire departments, volunteer—charters of, expiring by limitation extended for ten years 198
members of, in certain counties may be appointed to perform police duty at fires 202
when accumulated fund shall revert to exempt association 198
Fire insurance companies—may invest surplus funds 84
may issue policies against loss by lightning, wind and tornadoes 83
penalty for unlawfully seeking to transact the business of 80
Fiscal year—lawful for cities of the second class to change beginning and ending of 100

Page.
Fishing—asking relief and protection from steam yacht menhaden fishing with purse seines..... 265
Fish—lawful to catch, by means of set lines and weirs, in certain locality..... 99
unlawful to catch, with net or seine, in certain localities between certain times..... 127
Flynn, Thomas—member of assembly from Passaic county... 7
Food—to prevent the adulteration of..... 185
Foreign benevolent or charitable corporation—lawful to hold real estate..... 220
Forman, Peter—member of assembly from Monmouth county 7
Franks, Georgiana—title to certain real estate vested in.. 348
John B.—title to certain real estate vested in..... 348
Josepha B.—title to certain real estate vested in..... 348
Louisa—title to certain real estate vested in 348
Maria B.—title to certain real estate vested in..... 348
Fraudulent voting—to prevent, at elections..... 158
Freeman, Manning—member of assembly from Middlesex county.....7

G

Game and game fish—repealing an act entitled "A supplement to an act to amend and consolidate the several acts relating to game and game fish"..... 88
penalty for killing or having in possession, between certain times..... 25
relating to the killing, &c., of pheasants, quail and rabbits..... 24
Gardner, John J.—senator from Atlantic county..... 5
Gasoline—restrictions concerning the sale of..... 112
Gaston, William F.—member of assembly from Passaic county..... 7
Geologist, state—*see* state geologist.
German language—newspapers printed in, authorized to publish laws..... 252
Gill, John—member of assembly from Essex county..... 6
Gloucester county—assemblyman from..... 7
senator from 5
Goodwin, James H.—member of assembly from Middlesex county..... 7
Griggs, John W.—senator from Passaic county..... 5
Grouse—penalty for killing, &c., between certain times..... 25

H

Haines Job S.—member of assembly from Gloucester county. 6
Harbor masters—duties of, in regard to the anchorage of vessels within certain points..... 247

Page.
Harrigan, William—member of assembly from Essex county. 6
Havens, Abraham C. B.—senator from Ocean county..... 5
Health, board of—*see* state board of health.
public—additional appropriations for..... 32
Hill, William—member of assembly from Essex county..... 6
Hires, George—senator from Salem county..... 5
Hoffman, Cornelius S.—member of assembly from Somerset county..... 7
Holland language—newspapers printed in, authorized to publish laws..... 94
Home for disabled soldiers, New Jersey—appropriation for... 246
Horse railroads may increase capital stock..... 241
Hospitals—cities authorized to establish..... 47
how maintained..... 49
House of assembly—defraying the expenses of a special committee of the, to investigate the taxation of railroads and other corporations..... 154
list of members of..... 6, 7
Hudson county—assemblymen from..... 6
senator from..... 5
Hunterdon county—assemblymen from..... 7
senator from..... 5
Hutchinson, Lucius B.—member of assembly from Essex county..... 6

I

Imprisonment, term of—action in remitting, to be approved by judge of court..... 107
Improvements, city—proposals for, how advertised..... 27
deficiencies created by loss of public funds borrowed or raised for the payment of costs and expenses incurred in making, how provided for..... 116
Incidental expenses—to defray the, of the legislature for the session of one thousand eight hundred and eighty-two.....134, 142
to defray the, of the legislature for the session of one thousand eight hundred and eighty-three..... 142
Increase capital stock—horse railroads may..... 241
incorporated companies may..... 241
Indebtedness—cities authorized to issue bonds to renew..... 12
cities of the second class authorized to fund.. 59
Indigent children—appropriation for the relief and education of..... 209
Industrial school for girls, state—appropriation for..... 153

New Jersey State Library

Page.
Inns and taverns—application for license to keep, what to contain 194
licenses of, in boroughs of the third class to be granted by court of common pleas. 221
to pay license fees in incorporated towns.. 100
to regulate the licensing of 194
unlawful to put or keep sign on premises without having license 194
Inspector appointed to enforce the provisions of an act to limit the age and employment hours of children. 61
of food and drugs—powers of 188
Institution for the deaf and dumb—appropriation for 64
Instruction, public—amending an act to establish a system of. 185
Insurance companies, fire—may invest surplus funds 83
policies against loss by lightning, wind and tornadoes, may be issued by 83
Insurance—penalty for the unlawful transaction of the business of 80
Issue may be tried in county other than that in which lands in dispute are situate 219

J

Jails, county—amendment to act respecting 107
Jail statistics—copy of record to be transmitted to chief of bureau of statistics of labor and industries 217
Janitors, public school—appropriation to pay the salaries of. 227
Jenkins, George W.—member of assembly from Morris county 7
Jernee, William R.—member of assembly from Middlesex county 7
Jersey City—supplement to act regulating pilots from the port of 92
Judges, law or president—relating to the powers and duties of 56
Justices, police—common council authorized to appoint 177
fees of 184
powers and duties of 178

K

Kelly, Joseph T.—member of assembly from Hudson county. 6
Kerosene—restrictions concerning the sale of 112
state board of health to determine the character of, as required by law 113

L

Page.
Labor of children—to regulate 59
Lake, W. Howard—member of assembly from Hunterdon county 7
Land, measurement of—to establish a uniform standard for the 35
sale of—*see* sale of land.
Lands—cities may purchase, for public park 102
how acquired to construct sewers thereon 25
issue may be tried in county other than that in which, are situate 219
Methodist Episcopal churches authorized to sell certain 108
owner may redeem, sold for unpaid taxes 117
proceedings to enable owners of, to drain and improve 234
railroad companies may acquire title to, to change location of railroad to avoid quicksands, &c 105
Larison Stephen C.—member of assembly from Warren county 7
Law or president judges—relating to the powers and duties of 56
Laws—newspapers printed in the German language authorized to publish 252
newspapers printed in the Holland language authorized to publish 94
Learning, societies for the promotion of—action in case by-laws are insufficient, or officers refuse or neglect to perform their duties 28
Legislature—list of members of 5, 6, 7
to defray the incidental expenses of, for the session of one thousand eight hundred and eighty-two 134, 142
to defray the incidental expenses of, for the session of one thousand eight hundred and eighty-three 142
Lewis, Nelson M.—member of assembly from Mercer county 7
Library, state—appropriation for the improvement and increase of the 114
License—application for, what to contain 194
unlawful for person not having, to put or keep sign on premises 194
Licenses—court of common pleas to grant, in boroughs of the third class 221
incorporated towns authorized to impose, for the purpose of revenue 100
providing for the granting of, by borough commissions 167
to regulate, for the sale of malt, vinous, spiritous and other intoxicating drinks 194

Page.

Liens, mechanics'—*see* mechanics' liens.
Life saving service—petition for appropriation to establish telegraphic or telephonic communication between certain stations of..... 268
Limitation of actions—prosecution of bond of constable not to affect securities unless commenced within four years from date of bond..... 33
prosecution of bond of sheriff or collector not to affect securities, unless commenced within nine years from date of bond..... 33
Live stock—relating to the consolidation of corporations authorized to establish storehouses, piers or docks, or to maintain yards and buildings for the keeping and accommodation of..... 242
Loan of military property—concerning the..... 238
Ludlam, Jesse D.—member of assembly from Cape May county..... 6

M

Manager of savings banks—when office of, shall become vacant..... 50
Manslaughter—indictments for, may be tried by general quarter sessions in counties having law judge..... 87
Mantoloking—authorizing the construction of a bridge from Metedeconk Neck to..... 332
Maurice river cove—preservation of clams and oysters in...51, 54
McLaughlin, Dennis—member of assembly from Hudson county..... 6
Measurement of land—to establish a uniform standard for the 35
Mechanics' liens extended to alterations in buildings..... 24
Medals for the New Jersey Battalion at Yorktown anniversary 267
Medicine and surgery—to regulate..... 125
Menhaden fishing with purse seines—asking relief and protection from steam yacht..... 265
Mercer county—assemblymen from..... 7
senator from..... 5
Merritt, Albert—senator from Camden county..... 5
Metedeconk Neck—authorizing the construction of a bridge from, to Mantoloking..... 332
Methodist Episcopal churches authorized to sell certain lands and real estate..... 108
trustees of, authorized to convey lands and real estate to church by its corporate name..... 115
Middlesex county—assemblymen from..... 7
senator from..... 5

Page.
Military property—concerning the loan of..... 238
Milk cans—owner may make complaint against person unlawfully using. 84
unlawful to sell without consent of owner..... 84
to prohibit the sale of adulterated and skimmed. 230
to protect producers and shippers of 84
Miller, Waters B.—senator from Cape May county..... 5
Mill-dams—waste-gates to be constructed in..... 155
Mills, Clark W.—member of assembly from Passaic county... 7
Minors—*see* children.
Monmouth county—assemblymen from..... 7
senator from..... 5
Monuments—to incorporate associations for the erection of... 207
Morris county—assemblymen from..... 7
senator from..... 5
Morris Plains—appropriation for insane asylum at..... 216
Mullica river—unlawful to catch fish in, with net or seine, in certain localities between certain times..... 127
Municipal boards—relative to the publication of the minutes and proceedings of..... 238
corporations—*see* boroughs; cities.
Murphy, John H.—member of assembly from Essex county.. 6
Museums—to incorporate associations for the erection of..... 207

N

Name—Baptist churches authorized to change corporate...49, 205
Naptha—restrictions concerning the sale of..... 112
National guard—annual inspection to be made in May 104
appropriation of company failing to parade, &c., forfeited 104
armories to be erected for the use of, in cities of the first class..... 195
brevet rank conferred on officers serving continuously for ten years..... 103
may be assembled for drill six times a year. 103
quartermaster general to furnish transportation for..... 104
Neighbour, James H.—member of assembly from Morris county..... 7
Newark—to regulate pilots from the port of..... 92
New Jersey Battalion at Yorktown anniversary—medals for.. 267
home for disabled soldiers—appropriation for.... 246
Newspapers—laws to be published in the German language.. 252
laws to be published in the Holland language.. 94
what, to do city printing in case any have ceased publication..... 23
Nichols, Isaac T.—senator from Cumberland county..... 5

Page.

Nuisances—powers and duties of local boards of health in relation to the abatement of 119
sewers to be constructed to abate..... 228
to prevent, in boroughs. 167

O

Ocean county—assemblyman from 7
senator from 5
O'Connor, Thomas—member of assembly from Essex county. 6
Orange Rifles—loan of military property to..... 266
Orphan asylums—children committed to, in certain cases..... 15
Orphans' court—surrogate's fees for auditing accounts..... 131
Oyster planting—appointment of a commission in relation to the question of..... 233
Oysters—natural oyster beds not to be used for planting 51
not to be taken unless a certain size..... 51
unlawful for non-residents to plant or grow, except in certain localities 54

P

Parks, public—to provide for the purchase, construction and maintenance of. 102
Parsons, John H.—member of assembly from Essex county.. 6
Partnership associations in which the capital subscribed shall only be responsible for the debts of the association, empowered to hold real estate..... 188
Passaic county—assemblymen from..... 7
senator from..... 5
Passengers—rate for transportation of, on ferries. 20
Past due assessments—ratifying the settlement of..... 37
revision, alteration, adjustment and settlement of..... 81
taxes—revision, alteration, adjustment and settlement of..... 81
Paxton, Elijah T.—senator from Hudson county..... 5
Penalty for adding to number of animals in quarantine without consent of state board of health..... 118
adulterating food and drugs 186
breaking and entering railway car, canal boat, ship or vessel..... 199
bribing or offering to bribe voters..... 171
burying animals or poultry dying of contagious diseases, less than two feet under ground..... 202
cruelty to children..... 14
disposing of dead animals for food..... 118
employing children under certain age 60

Page.
Penalty for killing, &c., grouse, quail or rabbit between certain times 25
selling milk cans without consent of owner 84
neglecting to stamp goods manufactured in state prison 101
not complying with provisions of an act for the construction of waste gates in mill dams 155
running train without having rope or cord attached to bell, gong, &c 218
selling adulterated or skimmed milk 231
selling cigarettes or tobacco to minors under sixteen years of age 112
selling poisons without labeling each box or package 47
taking oysters under a certain size 51
transacting the business of insurance without authority 80
unlawfully planting or growing oysters 54
unlawfully practicing medicine and surgery 125
unlawfully putting or keeping sign for the sale of liquors, &c., on premises 194
using natural oyster beds for planting oysters 51
willfully erasing name or marring milk cans 84
of township collector for refusing or neglecting to file account of receipts, &c 214
Pensions of widow or children of officer or soldier of national guards 213
Perry, Susan—vesting the title to certain moneys in 346
Perth Amboy—regulating pilots from the port of 92
Petroleum—restrictions concerning the sale of 112
state board of health to determine the character of, as required by law 113
Pheasants—penalty for killing, &c., between certain times 25
Physicians—when necessary for, to notify boards of health of the existence of contagious disease 121
Pilotage, compulsory—asking for the abolishment of 269
Pilots—apprentice not to be licensed unless he has served three years as boat keeper 92
Pleasure Bay branch—authorizing the construction of a bridge over 329
Poisons—penalty for selling, without labeling each box or package 47
unlawful to sell, without labeling each box or package 47
Police—appropriations for 16
courts—constituting 177
duty—members of volunteer fire departments in certain counties may be appointed to perform, at fires 202
justices—common council authorized to appoint 177
fees of 184
powers and duties of 178

Page.

Police—to better regulate and control the, in certain townships 189
townships authorized to employ..... 39
Poll tax not to exceed one dollar..... 65
Poor, relief of—to provide for the further, in cities of the first class..... 41
Poultry dying of contagious diseases shall be buried not less than two feet under ground..... 202
Presbyterian church at Springfield—authorizing the sale of certain lands belonging to the..... 345
Preservation of the public records—to provide for the 237
Presumption of death—absence of person for seven years is. 55
Primaries—to prevent and punish bribery at..... 171
Printing, public—advertisement for proposals for current printing of legislature..... 210
advertisement for proposals to print blanks and furnish stationery..... 211
advertisement for proposals to print volume of laws, &c..... 210
comptroller to appoint practical printer to assist in preparing specifications..... 211
explanation of section twenty-four of the act relating to..... 90
relating to the.....210, 253
Printing—what newspapers authorized to do, in case any have ceased publication..... 23
Proceedings upon judgment and sentence—writ of error not to stay, when persons plead guilty to indictment... 230
Proclamation appointing a day of thanksgiving and prayer.. 274
regarding the danger of tumult and disturbance in Hudson county..... 273
Proposals—advertisements for, for city improvements, to have time for completion included in..... 27
Prosecutors of the pleas—board of chosen freeholders to appoint assistant, in certain counties..... 153
salaries of assistant..... 153
Protestant Episcopal churches—*see* Episcopal churches.
Public instruction—amending an act to establish a system of.. 185
parks—to provide for the purchase, construction and maintenance of..... 102
printing—*see* printing
records—to provide for the preservation of the..... 237
road—concerning a, to be laid out, opened and improved in each of the counties of the first class..... 65
Pure water—to enable cities to supply the inhabitants thereof with..... 176

Q

Page.
Quail—penalty for killing, &c., between certain times..... 25
Quarantine—animals in, cannot be added to by owner, without written consent of state board of health..... 118
Quartermaster general to furnish transportation for national guard..... 104
to keep account of expenses incurred incident to the loan of military property..... 238
Quarter sessions—when law judge may try manslaughter cases..... 87

R

Rabbits—penalty for killing, &c., between certain times..... 25
Railroad companies—contracts for lease or conditional sale of, equipment and rolling stock..... 87
may acquire title to lands necessary to change location of railroad to avoid quicksands, &c..... 105
may sell section of road abandoned..... 106
time for completion extended one year where work has been performed on said railroads, or money expended thereon..... 14
Railroads, horse—may increase capital stock..... 241
penalty for maliciously breaking and entering any railway car, with intent to rob or steal..... 199
penalty for malicious mischief to property of..... 199
to defray the expenses of a special committee of the house of assembly to investigate the taxation of..... 154
to extend the time for the completion of..... 212
unlawful to run train without having rope or cord attached to bell, gong, &c..... 218
Real estate—lawful for foreign corporations organized for charitable or benevolent purposes to hold..... 220
Re assessments—duties and powers of commissioners appointed to make, in certain cases..... 197
proceedings in cases where a former assessment is or has been vacated, not as a whole, but as to the persons prosecuting.. 196
Receivers—actions against, not abated by death..... 18
Recorder—term of office of city..... 214
Record of deeds heretofore made is notice of execution thereof, although not recorded within certain time..... 215
is notice of the execution thereof whether recorded within certain time or not..... 215

Page.
Records, public—to provide for the preservation of the..... 237
Reform school for boys, state—appropriation for..... 130
Refunding a state assessment to the Safety Fund Insurance Company..... 111
Registration of voters in cities having over six thousand inhabitants..... 95
Relief of poor—to provide for the further, in cities of the first class..... 41
Religious corporations—*see* associations; churches; societies.
Remitting fines—action in, to be approved by judge of court. 107
term of imprisonment—action in, to be approved by judge of court..... 107
Repealing an "Act to facilitate the collection of taxes in the township of Ocean, in the county of Monmouth"..... 333
an "Act to regulate and prevent extravagance in the use of school books in cities"..... 45
"A supplement to an act to amend and consolidate the several acts relating to game and game fish"..... 88
Restaurants to pay license fees in incorporated town..... 100
Revenue—incorporated towns to impose license fees for the purpose of..... 100
Rich, Augustus A.—member of assembly from Hudson county..... 6
Road boards—duties of, in relation to the repairing of roads and avenues..... 43
Roads—chosen freeholders authorized to lay out, open and improve, in each of the counties of the first class. 65
chosen freeholders of any two adjoining counties authorized to lay out, open and grade continuous public highways therein..... 223
concerning public, to be laid out, opened and improved in counties of the first class..... 65
disputes concerning, to be settled by township committee..... 43
making certain, county roads, and providing for expense of construction, and mode of maintaining same..... 225
public roads authorized to keep, in repair..... 43
section fifty-six of an act concerning, repealed..... 165
township committee not to supervise the expenditure of taxes raised for road purposes in any borough..... 39
Robbins, John V.—member of assembly from Hunterdon county..... 7
Rolling stock—contracts for lease or conditional sale of..... 87
Ross, William E.—member of assembly from Sussex county. 7
Ruffed grouse—*see* grouse.

S

Page.

Safety Fund Insurance Company—refunding a state assessment to the 111
Salaries—appropriation to pay, of public school janitors in cities 227
common council authorized to modify, of certain city officers 214
salaries of officers and employes of cities of the first class, how paid 36
relief of officers and employes of boards of education whose salaries have not been paid 89
Salem county—assemblyman from 7
senator from 5
Sale of equipment and rolling stock—contract for the 87
lands—authorizing the, belonging to the first congregation of the Presbyterian church, at Springfield .. 345
lands—not invalidated by failure of publication of advertisements 11, 53
Saloons, beer—to pay license fees in incorporated towns 100
Sandy Hook pilot boats—relating to 92
Savings banks—duties of managers of 132
concerning 132
when office of manager shall become vacant 50
Schenck, Abraham V.—senator from Middlesex county 5
School books—to regulate and prevent extravagance in the use of, repealed 45
fund—management of the moneys of the 110
trustees authorized to sell real estate 110
trustees not to invest moneys of the fund on bond and mortgage, except in certain cases. 110
houses—authorizing the construction of, in cities of the first class 30
bonds authorized to be issued for the construction of 31
funds for the erection of, how raised and provided for 30
how land to be acquired for the erection of ... 30
trustees authorized to sell real estate 110
not to invest moneys except in certain cases .. 110
regulating the number of 93
Scott, Stacy H.—member of assembly from Burlington county 6
Scrip—*see* bonds.
Secretary of state—fees for filing certificate of incorporation .. 62
Senate—list of members of 5
Set lines—lawful to catch fish by means of, in certain locality 99
Sewers—bonds to be issued to pay the cost of 26
cities authorized to build 259
cities authorized to construct 25

Page.

Sewers—cities how to acquire land for..... 25
cost of, how provided for..... 26
deficiencies created by loss of public funds borrowed or raised for the payment of costs and expenses incurred in constructing, how provided for 116
proceedings in case of disagreement between city and owners of land..... 25
proceedings in case report in matter of street or sewer improvement is defective..... 203
proceedings when, constructed in adjoining counties are insufficient to carry off sewage..... 226
to be constructed to abate nuisances in cities..... 228
Shannon, John M.—member of assembly from Hudson county..... 6
Sheldon, Frank L.—member of assembly from Union county 7
Sheriffs—office of, not forfeited by failure to renew bond..... 21
official acts of, heretofore done, to be favorably construed..... 23
proceedings in case of failure to renew bond..... 22
prosecution of bond of, not to affect securities, unless commenced within nine years from date of bond..... 33
Shields, Patrick Henry—member of assembly from Passaic county..... 7
Ship or vessel—penalty for breaking or entering..... 199
Shooting societies—concerning 166
Sidewalks—authorities to provide for the repairing of..... 46
cost of, to be raised by tax..... 46
proceedings in case owner fails to grade 97
provisions of an act entitled "An act for the formation of borough commissions" to apply to certain 128
street commission to repair where owner fails to do so..... 46
Sinking fund—cities authorized to create a, to pay off certain bonds..... 13
common council may cancel bonds 192
excess of fund to be transferred to other fund.. 221
powers and duties of the commissioners of the 79
relating to the management of the..... 79
township committee may create, in certain cases..... 129
Skimmed milk—to prohibit the sale of..... 230
Smalley, Isaac M.—member of assembly from Cumberland county..... 6
Smith Hezekiah B.—senator from Burlington county..... 5
Societies for the prevention of cruelty to children—may bring suit..... 15
prevention of cruelty to children—*see* cruelty to children.
promotion of art—to incorporate..... 207

Page.

Societies for the promotion of learning—action in case by-laws are insufficient, or officers refuse or neglect to perform their duties..... 28
religious—lawful for members of churches to form. 168
may change time and place of annual meeting..... 115
vacancies in office of warden or vestrymen, how filled..... 114
shooting—concerning..... 166
Somerset county—assemblyman from..... 7
senator from..... 5
South Harrison—creating a new township in the county of Gloucester, to be called..... 330
Southern exposition—governor to appoint commissioners for..... 130
Stafford, Clayton—member of assembly from Camden county. 6
Stainsby, William—Senator from Essex county..... 5
Standard measurement of land—to establish a uniform..... 35
State agricultural college—to construct receptacles for green fodders and manures..... 106
assessment—refunding a, to the Safety Fund Insurance Company..... 111
board of health—character of petroleum or kerosene determined by, as required by law. 113
county clerks to furnish, with list of physicians..... 126
physician appointed by, where township has no township physician..... 120
powers and duties of, in relation to the adulteration of food and drugs.. 186
to appoint analyst to inspect food and drugs..... 186
unlawful for owner of animals in quarantine to add to the number thereof without written consent of the..... 118
bonds—exchange of, in certain cases..... 267
charities and corrections—to create a council.....249
geologist to procure surveyor's tape, to be a standard of measurement of land..... 35
industrial school for girls—appropriation for..... 153
library—appropriation for the improvement and increase of the..... 114
militia—armories to be erected for the use of the, in cities of the first class..... 195
prison—gas works to be erected in..... 206
goods, &c., manufactured in, to be stamped..... 101
government and regulation of..... 101
insane prisoners to be removed to Morristown. 152
proceedings where person confined in, appears to be insane..... 151
reform school for boys—appropriation for..... 130

Page.

Stationery—advertisement for proposals to furnish, for the use of the state 211
Statistics, bureau of—*see* bureau of statistics.
Steam yacht menhaden fishing—asking relief and protection from 265
Steljes, Martin—member of assembly from Hudson county... 6
Stevens battery—act appropriating the proceeds of the sale of. 63
Stoney, Alfred B.—member of assembly from Monmouth county 7
Street commissioner—to repair sidewalks where owner fails to do so 45
Streets—contracts for cleaning, may be terminated before expiration thereof by municipal board 229
proceedings in case report in matter of street or sewer improvement is defective 203
Strikes—not unlawful for two or more persons to combine to persuade others to combine 36
Supplement to "A further act concerning taxes, making the same a first lien on real estate, and to authorize sales for the payment of the same" 117
"An act authorizing the formation of partnership associations in which the capital subscribed shall only be responsible for the debts of the association, except under certain circumstances" 188
"An act authorizing the issue of tax arrearage bonds in cities" 239
"An act exempting firemen from taxation"... 133
"An act concerning corporations" 62, 220, 240
"An act concerning inns and taverns" 221
"An act concerning railroad corporations," approved March sixth, one thousand eight hundred and sixty-six 105
"An act concerning roads" 43, 165
"An act concerning savings banks" 50, 132
"An act concerning sheriffs".. 21
"An act concerning taxes" 65, 192
"An act concerning townships and township officers" 200, 213
"An act for the better enforcement in Maurice rive cove and Delaware bay, of the act entitled 'An act for the preservation of clams and oysters'"... 51
"An act for the construction, maintenance and operation of water-works for the purpose of supplying cities, towns and villages of the state with water" 201, 204
"An act for the formation of borough commissions" 128, 167

Page.

Supplement to "An act for the formation of borough governments" 96
"An act for the government and regulation of the state prison" 101, 151
"An act for the incorporation of fire companies" 58, 201
"An act for the limitations of actions" 33
"An act for the maintenance of bastard children" 28
"An act for the organization of the national guard of New Jersey," approved March ninth, one thousand eight hundred and sixty-nine 103
"An act for the preservation of fish" 127
"An act for the prevention of cruelty to animals" 159
"An act for the punishment of crimes" 80, 199
"An act for the relief of creditors against absconding and absent debtors" 42
"An act incorporating the inhabitants of townships, designating their powers and regulating their meetings" 83
"An act in relation to county expenditures". 18
"An act in relation to encumbered cities" 34
"An act regulating proceedings in criminal cases" 124, 230
"An act relating to local boards of health" ... 119
"An act relating to the division of certain cities in this state into wards" 170
"An act relative to the publication of the laws of this state in the newspapers thereof" 94, 252
"An act relative to the publication of the minutes and proceedings of the several municipal boards of the cities of this state" 238
"An act relative to sales of land under a public statute or by virtue of any judicial proceeding" 11, 53
"An act respecting conveyances" 126, 209
"An act respecting prosecutors of the pleas of the state" 153
"An act respecting taxes" 52
"An act respecting the orphans' court, and relating to the powers and duties of the ordinary and the orphans' court and surrogates" 131
"An act to amend an act to partially consolidate the several game laws of this state" ... 24
"An act to appoint harbor masters and inspectors" 247

Page.

Supplement to "An act to authorize certain townships of this state to issue bonds"..... 129
"An act to authorize the incorporation of rural cemetery associations and regulate cemeteries"..... 174
"An act to authorize the sale of land of the first congregation of the Presbyterian church, at Springfield, in the county of Union"..... 345
"An act to compel the determination of claims to real estate in certain cases, and to quiet the title to the same"..... 219
"An act to enable cities to supply the inhabitants thereof with pure and wholesome water"..... 98, 176
"An act to establish and regulate pilots from the ports of Jersey City, Newark and Perth Amboy, by way of Sandy Hook"..... 92
"An act to establish a state board of health".. 118
"An act to incorporate benevolent and charitable associations"..... 57
"An act to incorporate societies for the promotion of learning"..... 28
"An act to incorporate trustees of religious societies"..... 114
"An act to prevent in certain cases the abatement of suits and reversal of judgments"... 18
"An act to prevent the adulteration of food and drugs"..... 185
"An act to provide additional accommodations for the insane of this state"..... 216
"An act to provide for the organization of the New Jersey home for disabled soldiers"..... 246
"An act to provide for the regulation and incorporation of insurance companies"..... 83
"An act to regulate elections"..... 95
"An act to regulate fences"..... 82
"An act to regulate proceedings in criminal cases"..... 87
"An act to regulate the practice of medicine and surgery"..... 125
"An act to regulate the sale of petroleum and its products"..... 112
"An act to regulate the state library"..... 114
"An act to secure to creditors an equal and just division of the estates of debtors who convey to assignees for the benefit of creditors"..... 236
"An act to secure to mechanics and others payment for their labor and materials in erecting any building," extending liens to alterations..... 24

Page.
Surrogates—fees of, for auditing accounts..... 131
Sussex county—assemblyman from..... 7
senator from..... 5

T

Tax arrearage bonds—relating to the issue of..... 239
Taxes—abstracts to be filed with county collector and state comptroller..... 193
assessors shall compute whole value of real and personal estate after deduction of debts, &c..... 192
on entailed property, how paid..... 52
past due—board of finance, &c., may revise, alter, adjust and settle, subject to the approval of the mayor..... 81
relating to interest on arrears of..... 91
repealing an act to facilitate the collection of, in the township of Ocean, in the county of Monmouth... 333
Taylor, John—senator from Mercer county..... 5
Telephonic communications—petition to congress for, between certain stations of the life saving service..... 268
Term of office of certain township committee..... 200
city recorder..... 214
Title to certain real estate released and vested in certain persons..... 348
moneys vested in Peter J. Wortendyke and Susan Perry..... 346
real estate—change of venue allowed in trial of issue respecting..... 219
Tobacco—the sale of, prohibited to minors under sixteen years of age..... 112
Towns—assessments for local improvements in, to be in proportion to benefits received..... 239
Township collector shall file account of receipts, &c., with township clerk, in February of each year..... 213
committee authorized to change title from township to town, in certain cases..... 199
disputes concerning roads settled by... 43
not to have supervision of expenditures for road purposes in any borough..... 39
term of office of certain..... 200
to fix salary and term of office of police..... 40
vacancies, how filled..... 200
officers—act concerning..... 39
Townships—assessments for local improvements in, to be in proportion to benefits received..... 239
authorized to employ police..... 39

Page.
Transportation—quartermaster general to furnish national guard with..... 104
rate for, of passengers on ferries..... 20
Trespassers—who shall be deemed, upon oyster beds..... 51

U

Uniform standard for the measurement of land—act to establish..... 35
Union county—assemblymen from..... 7
senator from..... 5
Unpaid taxes—lands may be redeemed by owner for..... 117

V

Vacancies in office of warden or vestrymen, how filled..... 114
township committees, how filled..... 200
Vail, Benjamin A.—senator from Union county..... 5
Van Bussum, John—member of assembly from Bergen county..... 6
Van Houten, Emma—title to certain real estate vested in.... 348
Venue—change of, allowed in trial of issue respecting title to real estate..... 219
Villages—classification of, for purposes of legislation..... 157
Virginia partridge—*see* quail.
Voting—act to prevent fraudulent, at elections..... 158
Volunteer fire companies—active members of, exempt from taxation in the sum of five dollars..... 133
departments—charters of, expiring by limitation, extended for ten years... 198
in certain counties may appoint members to perform police duty at fires..... 202
when accumulated fund shall revert to exempt association. 198

W

Wanser, Peter F.—member of assembly from Hudson county. 6
War bonds—principal and interest of, how paid..... 79
Warren county—assemblymen from..... 7
senator from..... 5
Waste gates to be constructed in mill dams..... 155
Water bonds or water scrip—*see* bonds.
commissioners authorized to issue bonds for the extension and maintenance of water works in cities of the second class... 98
persons to apply to, for permits to connect water pipes..... 176

Page.
Water companies authorized to extend mains beyond limits of city, borough or town.. 201
may issue bonds.. 204
mains—water company authorized to extend, beyond limits of city, borough or town..... 201
pipes—cities adopting provisions of original act to take and hold the right to lay..... 98
cities authorized to lay, through any town, township, &c..... 177
storage of—to provide for the, for the purpose of furnishing to cities and towns a joint water supply.. 231
supply of cities and towns—additional powers of commissioners in regard to the regulating of..... 231
to enable cities to supply the inhabitants thereof with pure and wholesome..... 176
works—cities authorized to issue additional bonds for the extension and maintenance of..... 98
Weaver, Amzi F.—member of assembly from Morris county.. 7
Weirs—lawful to catch fish by means of, in certain locality... 99
Wildrick, Isaac—member of assembly from Warren county.. 7
Woodruff, Asa F.—member of assembly from Union county.. 7
Wortendyke, Isaac—senator from Bergen county..... 5
Peter J.—vesting the title to certain moneys in.. 346
Peter R.—member of assembly from Bergen county..... 6
Writ of error not to stay proceedings upon judgment and sentence when persons plead guilty to indictment.. 230

Y

Yorktown anniversary—medals for New Jersey battalion at.. 267
Youngblood, James C.—senator from Morris county..... 5
Young, David—member of assembly from Essex county..... 6